



Notice of Intent to Adopt Rules

1. General Information

a. Agency/Board Name *See attached list for references*

WY Community College Commission

b. Agency/Board Address

2020 Carey Ave., 8th Floor

c. Agency/Board City

Cheyenne

d. Agency/Board Zip Code

82002

e. Name of Contact Person

Matt Petry

f. Contact Telephone Number

307-777-5859

g. Contact Email Address

matt.petry@wyo.gov

h. Date of Public Notice:

May 21, 2012

i. Comment Period Ends:

July 5, 2012

j. Program(s) *See attached list for references*

General Agency, Board or Commission Rules

2. Rule Type and Information

a. Choose all that apply: New Rules* Amended Rules Repealed Rules

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

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

b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (*if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification*)

Chapter Number: One	Short Title: Definitions
Chapter Number: Two	Short Title: Commission Operations
Chapter Number: Three	Short Title: General Functions
Chapter Number: Four	Short Title: Coordination Functions
Chapter Number: Five	Short Title: Administrative Functions

c. The Statement of Reasons is attached to this certification.

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: www.communitycolleges.wy.edu/rules-and-statutes.aspx

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

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

b. What is the manner in which interested person may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days, after adoption of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/reppealed to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please provide a statement explaining the reason the rules exceeds the requirements:

Changes include new and amended requirements within the rules and are therefore considered more than non-substantive.

6. Authorization

a. I certify that the foregoing information is correct.

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

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; Clean copy of the rules; and Strike-through and underline version of rules (if applicable).
- Secretary of State: Electronic version of Notice of Intent sent to rules@state.wy.us

WYOMING COMMUNITY COLLEGE COMMISSION

RULES and REGULATIONS

STATEMENT OF PRINCIPAL REASONS

CHAPTERS 1-9

Chapters one through eight have all been amended to include minor, non-substantive changes to grammar and punctuation and to remove redundant references already directed in statute. In addition, some chapters have other, more specific amendments included.

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

Chapter three has been amended to clarify the general functions of the Commission.

Chapter five has been amended in the following ways:

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

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

Chapter six has been amended to further clarify the Commission's approval functions.

Chapter seven has been amended to further clarify the Commission's review and reporting functions.

Chapter nine is being repealed in its entirety as information practices are included in chapter two.

CHAPTER 1

DEFINITIONS

Section 1. Authority.

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

Section 2. Purpose.

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

Section 3. Definitions—Community College Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Capital Improvements and Capital Assets

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

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

(ii) Pre-Construction

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

(B) Activities related to grounds development.

(iii) Construction

(A) Acquisition and assembly of required building materials.

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

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

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

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

(iv) Post-Construction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1
DEFINITIONS

Section 1. Authority.

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

Section 2. Purpose Applicability.

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Section 3. Definitions—Community College Commission.

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

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

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

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

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

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(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.

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

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

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(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.

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(llt) “Management Information System (MIS)” means an organized method of providing information related to past, present, and projected operations. ~~An~~ MIS supports the planning and

operational functions of an organization by furnishing uniform, timely information to assist in the decision-making process.

~~(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 ~~Wyoming Community College System~~ community colleges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(p) “Nursing program” means a series of courses leading to an LPN certificate or an ADRN 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 2

COMMISSION OPERATIONS

Section 1. Authority.

The State Commission is created by W.S. 21-18-201 and derives its authority from W.S. 21-18-202 through 21-18-225.

Section 2. Purpose.

This chapter governs the Commission's structure and procedures.

Section 3. Commission Structure.

(a) The commissioners biennially shall elect a chair and vice chair from its members.

(b) The commissioners may elect other officers and define their duties by rule or resolution.

(c) The election of officers shall be held at the Commission's first meeting after March 1 during odd-numbered years. Officer vacancies shall be filled by action of the commissioners.

(d) The chair shall preside over Commission meetings. The vice-chair shall act in the absence of the chair. In the absence of both the chair and vice-chair at a meeting, commissioners present shall elect a temporary presiding officer to preside over that meeting.

Section 4. Commission Meetings.

(a) Meetings with simplified agendas may be conducted by teleconference or videoconference methods as long as all interested parties have access to the proceedings. Commission meetings shall be conducted according to the Wyoming Open Meetings Act W.S. 16-4-401 through 16-4-407.

(b) The chair may change, as necessary, the meeting date, time, place, or agenda in advance of the meeting, providing notice of the change through Commission staff to all who received notice of the meeting.

(c) The chair may call special meetings, as necessary, with the concurrence of a majority of commissioners, following the Wyoming Open Meetings Act.

(d) The chair may call special telephone meetings of an emergency nature, with the concurrence of a majority of commissioners. Such meetings shall be in accordance with the Wyoming Open Meetings Act. All college presidents, the trustees' association, and the media as specified in (e)(iii) of this section shall be notified and invited to participate.

(e) Approximately two weeks prior to the meeting date, the executive director shall mail the meeting notices and/or tentative agendas. The official agendas shall be distributed at least one week

prior to the meeting. Distribution of meeting notices and/or agendas shall be done in the following manner:

(i) Mail the meeting agendas to commissioners, community college presidents, board chairs and other appropriate parties as the agenda may dictate;

(ii) Post the meeting notices on the Commission website; and

(iii) Mail meeting notices and/or agendas to a newspaper with statewide circulation and to a general circulation newspaper in the community where the meeting will be held.

(f) The meeting agendas shall be developed in the following manner:

(i) Tentative agendas shall be developed by the executive director to include items necessary to carry out the Commission's business;

(ii) Any person may request that items be removed from or added to tentative agendas. Requests should be made to the chair or executive director;

(iii) Official agendas shall include items labeled "Other Business." During the designated time, any commissioner or person appearing before the Commission may request that items be added to the agenda and considered by the commissioners. Only those supplemental agenda items approved by majority vote of commissioners present shall be considered at that meeting.

(g) Except as otherwise provided by law or in *Commission Rules*, a quorum for the Commission to conduct business shall be four (4) or more commissioners. A simple majority of those present shall be needed to pass an item. The chair shall have the right to vote on all matters.

Section 5. Commission Ethics.

The Commission shall comply with the Executive Branch Code of Ethics, Executive Order 1997-4.

Section 6. Commission Responsibility.

(a) The Commission coordinates the community college system for and in the State of Wyoming. The Commission is responsible for making system recommendations to the governor and the legislature. The Commission normally serves as the state representative on community college matters for state, regional, and national postsecondary education organizations or activities.

(b) All documents received by, prepared by, or presented by the Commission or its staff shall be documents that are available for review (during normal business hours) and handled in compliance with the Wyoming Public Records Act W.S. 16-4-201 through 16-4-205.

(c) Commission members shall observe full media disclosure of public business, while providing for fair presentation of issues and recognition of concerned party dignity.

Section 7. Commission Executive Director.

(a) The executive director is the full-time professional advisor and executive officer of the Commission pursuant to W.S. 21-18-202(c)(v).

(b) The Commission shall delegate to the executive director the responsibility for administering the rules and policies adopted by the Commission and executing all decisions of the Commission requiring administrative action. In the initiation and formulation of Commission rules and policies, the executive director shall act as the professional advisor to the Commission and present to the Commission drafts of proposed rules and policies for the consideration of the Commission.

(c) The executive director shall be responsible for hiring and supervising other staff members to carry out the duties of the Commission pursuant to W.S. 21-18-202(c)(v).

(d) The executive director shall ensure the completion of the following tasks:

(i) Implement the role and mission of the Commission and as reflected in statutes, the *WY Community College Commission Statewide Strategic Plan*, rules, and policies;

(ii) Ensure the use of the *WCCC Policy on Consultation* adheres to the requirements identified in the *WY Community College Commission Statewide Strategic Plan*, applicable rules and statutes:

(iii) Prepare an agenda for each Commission meeting;

(iv) Record all proceedings/minutes of the Commission;

(v) Mail agendas of each meeting to commissioners, community college presidents, board chairs, and other appropriate parties, as the agenda dictates, so that recipients receive a copy one week prior to the next meeting; and

(vi) Post all meeting agendas to the commissions' website;

(vii) Post all approved Commission meeting minutes to the Commissions' website;

(viii) Attend all Commission meetings unless excused by the chair;

(ix) Sign documents that affect the operations of the Commission and which would otherwise require the signature of the chair; and

(x) Perform other duties as assigned by the Commission.

(e) The Executive Council is composed of the executive director and the presidents of the community colleges and chaired by the executive director. The Executive Council is the primary body by which the Commission accomplishes consultation. Agenda items scheduled for Commission action and reports shall be discussed at regularly scheduled meetings of the Executive Council. The Executive Council is advisory to the executive director and the executive director shall provide written proceedings of all meetings. These procedures assume that the college chief

executive officers, as members of the Executive Council, unless otherwise noted, speak for their respective institutions in making recommendations to the executive director of the Commission. Community college presidents, on approval of their boards, may represent the views of their local governing boards at Commission meetings on agenda items that have been considered in Executive Council or added to the agenda during a Commission meeting.

(f) Councils and committees further defined in the *WCCC Policy on Consultation* shall be utilized by the Executive Council to address the ongoing business of the community colleges with the Commission and chaired by Commission staff designated by the executive director. Issues raised by these councils and committees may be advanced through college presidents or Commission staff to be proposed for the Executive Council agenda.

(g) The executive director may create ad hoc committees of the Executive Council to consider such matters as may be delegated to the council and the ad hoc committee shall provide reports to the Executive Council.

Section 8. Communications Within the System.

(a) The Commission shall support broad involvement and consultation in the planning process for the Wyoming community colleges with the intent of assuring effective communication between the Commission, the college trustees, and the community colleges. Consultation seeks to achieve consensus, but does not require consensus.

(b) At its discretion, the Commission may convene open meetings with representatives of college boards of trustees. The principal function of these meetings is to maintain open communication between the policy making entities.

Section 9. Information Practices.

(a) The community colleges shall comply with the Wyoming Public Records Act W.S. 16-4-201 through 16-4-205 and the Wyoming Open Meetings Act W.S. 16-4-401 through 16-4-408.

(b) Persons with a valid interest may request that the official custodian correct any erroneous, inaccurate or misleading information that is contained in a public record relating to them by supplementing the record with corrective material. No public records shall be physically altered, destroyed or removed except by order of the Commission.

(c) No commissioner or Commission employee shall release originals of public records from Commission files except by order of the Commission or a court of law, or as recommended by the WY Attorney General.

(d) For all public records for which the Commission is custodian, paper copies may be provided upon approved request. The first five (5) pages will be provided free of charge and all additional pages will be provided at the rate of fifty-cents (\$.50) per page. These funds shall be deposited into the state's general fund.

(e) The official custodian shall not release mailing lists unless approved by the Commission.

(f) All public records maintained by the Commission shall be stored and retained according to retention schedules and policies of the Commission and the State Archives section of the Department of State Parks and Cultural Resources.

(g) All public records for which public inspection may be denied under the Wyoming Public Records Act shall be identified, stored and maintained by an appropriate means that indicates and preserves their confidentiality. An index sufficient to indicate their existence, general content, and confidential nature shall be maintained and available to the public.

(h) Pursuant to notification by the U.S. Department of Education's Family Policy Compliance Office on August 23, 1999, the Commission is identified as a state educational authority engaged in the audit or evaluation of federal and state supported education programs. As such, the community colleges may disclose personally identifiable, non-directory information to the Commission's MIS on a non-consensual basis as long as the Commission complies with FERPA requirements. The Commission shall maintain secure physical and electronic storage for personally identifiable information.

(i) The requirements of the U.S. Department of Education for security of data shall be followed under the restricted use data license for research involving the National Center for Education Statistics IPEDS database.

(j) The official custodian annually shall inform the appropriate state office of any new public records maintained by the Commission for which inspection may be denied under the Wyoming Public Records Act W.S. 16-4-201 through 16-4-205.

(k) The Commission shall also collect data from non-community college entities to support the data requirements of the ABE, family literacy and GED programs.

Section 10. Hearings.

(a) Contested case hearings before the Commission shall be governed by the Wyoming Administrative Procedures Act W.S. 16-3-101 through 16-3-115.

(b) Prior to formal proceedings, the Commission shall assist in the informal resolution of disputes between community colleges when requested and shall act as a board of appeal for disputes between community colleges that cannot be resolved informally.

(c) A community college may challenge any Commission decision, including community college disputes under (b) above, and may challenge a Commission decision through a request for a formal hearing conducted as described in (a) above.

(i) The Commission shall determine whether or not to hear the dispute or refer it to contested case hearing status.

(ii) If the Commission accepts the request for a hearing, the Commission chair shall appoint a subcommittee of the Commission to hear the dispute.

(iii) The subcommittee shall establish timelines for the presentation of testimony and the admissibility of evidence and records. The subcommittee shall ensure against unnecessary delay in the hearings and proceedings. The subcommittee shall consider only documentation presented to it, but may request external expert advice related to the issues raised. All interested parties to the dispute must have access to all testimony, documentation, and reports.

(iv) The subcommittee shall determine findings of fact and make a recommendation to the Commission at its next scheduled meeting.

(v) The Commission shall take action on the recommendation.

(d) All parties shall bear their own expenses associated with a hearing referenced above, although the Commission staff shall arrange to have the proceedings recorded electronically, by court reporter, or by other appropriate means. No transcript shall be prepared except upon order and payment by the party requesting it.

Section 11. General Provisions.

The Commission's rules apply to the Wyoming Community College Commission, Wyoming community colleges, outreach centers, and programs of the Commission. Matters not covered by statutes and *Commission Rules*, or reasonably incident to them, shall be governed by the individual community college district boards, following all applicable laws.

CHAPTER 2

COMMISSION OPERATIONS

Section 1. Authority.

The State Commission is created by ~~{W.S. 21-18-201}~~ and derives its authority from ~~{W.S. 21-18-202 through 21-18-225}~~.

Section 2. ~~Purpose.~~ ~~Applicability.~~

This chapter governs the Commission's structure and procedures.

Section 3. Commission Structure.

(a) The commissioners biennially shall elect a chair and vice chair from its members.

(b) The commissioners may elect other officers and define their duties by rule or resolution.

(c) The election of officers shall be held at the Commission's first meeting after March 1 during odd-numbered years. Officer vacancies shall be filled by action of the commissioners.

(d) The chair shall preside over Commission meetings. The vice-chair shall act in the absence of the chair. In the absence of both the chair and vice-chair at a meeting, commissioners present shall elect a temporary presiding officer to preside over that meeting.

~~The Commission biennially shall elect from its members a chair and vice chair. The Commission may elect other officers and define their duties by rule or resolution. The election of officers shall be held at the Commission's first meeting after March 1 during odd-numbered years. Officer vacancies shall be filled by action of the Commission. The chair shall preside over Commission meetings. The vice chair shall act in the absence of the chair. In the absence of both the chair and vice chair at a meeting, Commissioners present shall elect a temporary presiding officer to preside over that meeting. (W.S. 21-18-201)~~

Section 4. Commission Meetings.

(a) Meetings with simplified agendas may be conducted by teleconference or videoconference methods as long as all interested parties have access to the proceedings. Commission meetings shall be conducted according to the Wyoming Open Meetings Act Law. ~~{W.S. 16-4-401 through 16-4-407}~~.

(b) The chair may change, as necessary, the meeting date, time, place, or agenda in advance of the meeting, providing notice of the change through Commission staff to all who received notice of the meeting.

(c) The chair may call special meetings, as necessary, with the concurrence of a majority of ~~C~~commissioners, following the Wyoming Open Meetings Act Law.

(d) The chair may call special telephone meetings of an emergency nature, with the concurrence of a majority of Commissioners. Such meetings shall be in accordance with the Wyoming Open Meetings Act. All college presidents, the trustees' association, and the press media as specified in (e)(iii) of this section shall be notified and invited to participate.

(e) Approximately two weeks prior to the meeting date, the executive director shall mail the meeting notices and/or tentative agendas. The official agendas shall be distributed at least one week prior to the meeting. Distribution of meeting notices and/or agendas shall be done in the following manner:

(i) Mail the meeting agendas to commissioners, community college presidents, board chairs and other appropriate parties as the agenda may dictate;

(ii) Post the meeting notices ~~in~~ on the Commission ~~office~~ website; and

(iii) Mail meeting notices and/or agendas to a newspaper with statewide circulation and to a general circulation newspaper in the community where the meeting will be held.

(f) The meeting agendas shall be developed in the following manner:

(i) Tentative agendas shall be developed by the executive director to include items necessary to carry out the Commission's business;

(ii) Any person may request that items be removed from or added to tentative agendas. Requests should be made to the chair or executive director; ~~and~~

(iii) Official agendas shall include items labeled "Other Business." During the designated time, any Commissioner or person appearing before the Commission may request that items be added to the agenda and considered by the Commissioners. Only those supplemental agenda items approved by majority vote of commissioners present shall be considered at that meeting.

(g) Except as otherwise provided by law or in *Commission Rules*, a quorum for the Commission to conduct business shall be four (4) or more Commissioners. A simple majority of those present shall be needed to pass an item, ~~except as otherwise noted~~. The chair shall have the right to vote on all matters.

Section 5. Commission Ethics.

The Commission shall comply with the Executive Branch Code of Ethics, Executive Order 1997-4.

Section 6. Commission Responsibility.

(a) The Commission coordinates the community college system for and in the State of Wyoming. The Commission is responsible for making system recommendations to the Governor

and the legislature. The Commission normally serves as the state representative on community college matters for state, regional, and national postsecondary education organizations or activities.

(b) All documents received by, prepared by, or presented by the Commission or its staff shall be documents that are available for review (during normal business hours) and handled in compliance with the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205).

(c) Commission members shall observe full media disclosure of public business, while providing for fair presentation of issues and recognition of concerned party dignity.

Section 7. Commission Executive Director.

(a) The ~~E~~xecutive ~~D~~irector is the full-time professional advisor and executive officer of the Commission pursuant to ~~(W.S. 21-18-202(c)(v))~~.

(b) The Commission shall delegate to the ~~E~~xecutive ~~D~~irector the ~~executive~~-responsibility for administering the rules and policies adopted by the Commission and executing all decisions of the Commission requiring administrative action. In the initiation and formulation of Commission rules and policies, the ~~E~~xecutive ~~D~~irector shall act as the professional advisor to the Commission and present to the Commission drafts of proposed rules and policies for the consideration of the Commission.

(c) The ~~E~~xecutive ~~D~~irector shall be responsible for hiring and supervising other staff members to carry out the duties of the Commission pursuant to W.S. 21-18-202(c)(v).

(d) The ~~E~~xecutive ~~D~~irector shall ensure the completion of the following tasks:

(i) Implement the role and mission of the Commission and as reflected in statutes, the ~~statewide~~ WY Community eCollege Commission Statewide system sStrategic pPlan, rules, and policies;

(ii) Ensure the ~~ongoing~~-use of the WCCC Wyoming Community College Commission-Policy on Consultation adheres to the requirements identified in the WY Community College Commission sStatewide college system sStrategic pPlan, applicable rules and statutes;

(iii) Prepare an agenda for each Commission meeting;

(iv) Record all proceedings/minutes of the Commission;

(v) Mail agendas of each meeting to Commissioners, community college presidents, board chairs, and other appropriate parties, as the agenda dictates, ~~minutes of each meeting~~, so that recipients receive a copy one week prior to the next meeting;

(vi) Post all meeting agendas to the Commission's website;

(vii) Post all approved Commission meeting minutes to the Commission's website;

(viii) Attend all Commission meetings unless excused by the chair;

(~~ixviii~~) Sign documents that affect the operations of the Commission and which would otherwise require the signature of the chair; and

(~~xviii~~) Perform other duties as assigned by the Commission.

(e) The Executive Council is composed of the ~~E~~xecutive ~~D~~irector and the presidents of the community colleges and chaired by the ~~E~~xecutive ~~D~~irector. The Executive Council is the primary body by which the Commission accomplishes consultation. Agenda items scheduled for Commission action and reports shall be discussed at regularly scheduled meetings of the Executive Council. The Executive Council is advisory to the executive director and the executive director shall provide written proceedings of all meetings. These procedures assume that the college chief executive officers, as members of the Executive Council, unless otherwise noted, speak for their respective institutions in making recommendations to the executive director of the Commission. Community college presidents, on approval of their boards, may represent the views of their local governing boards at Commission meetings on agenda items that have been considered in Executive Council or added to the agenda during a Commission meeting.

(f) ~~Councils and Standing~~ committees further defined in the *WCCC Policy on Consultation* shall be utilized by the Executive Council to address the ongoing business of the community colleges with the Commission and chaired by Commission staff designated by the ~~E~~xecutive ~~D~~irector. Issues raised by these councils and committees may be advanced through college presidents or Commission staff to be proposed for the Executive Council agenda.

(g) The ~~E~~xecutive ~~D~~irector may create ad hoc committees of the Executive Council to consider such matters as may be delegated to the council and the ad hoc committee shall provide reports to the Executive Council.

Section 8. Communications Within the System.

(a) The Commission shall support broad involvement and consultation in the planning process for the Wyoming community colleges with the intent of assuring effective communication between the Commission, the college trustees, and the community colleges. Consultation seeks to achieve consensus, but does not require consensus.

(b) At its discretion, the Commission may convene open meetings with representatives of college boards of trustees. The principal function of these meetings is to maintain open communication between the policy making entities.

Section 9. Information Practices.

(a) ~~The Commission is required by Executive Order (March 7, 1975) to have information practices rules.~~

(~~a~~b) The community colleges shall comply with the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205) and the Wyoming Open Meetings Act (W.S. 16-4-401 through 16-4-4087).

~~(c) Personnel files maintained by the Commission shall be made available only to the person in interest, his/her supervisor(s), or by court order.~~

~~(b)~~ Persons with a valid interest may request that the official custodian correct any erroneous, inaccurate or misleading information that is contained in a public record relating to them by supplementing the record with corrective material. No public records shall be physically altered, destroyed or removed except by order of the Commission.

~~(c)~~ No Commissioner or Commission employee shall release originals of public records from Commission files except by order of the Commission or a court of law, or as recommended by the WY Attorney General.

~~(d)~~ For all public records for which the Commission is custodian, paper copies may be provided upon approved request. The first five (5) pages will be provided free of charge and all additional pages will be provided at the rate of fifty-cents (\$.50) per page. These funds shall be deposited into the state's general fund. If certification of a document is requested, there shall be an additional charge of five dollars (\$5.00) per document.

~~(e)~~ The official custodian shall not release mailing lists unless approved by the Commission.

~~(f)~~ All public records maintained by the Commission shall be stored and retained according to retention schedules and policies of the Commission and the State Archives section of the Department of State Parks and Cultural Resources Division.

~~(g)~~ All public records for which public inspection may be denied under the Wyoming Public Records Act shall be identified, stored and maintained by an appropriate means that indicates and preserves their confidentiality. An index sufficient to indicate their existence, general content, and confidential nature shall be maintained and available to the public.

~~(h)~~ Pursuant to notification by the U.S. Department of Education's Family Policy Compliance Office on August 23, 1999, the Commission is identified as a state educational authority engaged in the audit or evaluation of federal and state supported education programs. As such, the community colleges may disclose personally identifiable, non-directory information to the Commission's MIS management information system on a non-consensual basis as long as the Commission complies with FERPA Family Educational Rights and Privacy Act requirements. The Commission shall maintain secure physical and electronic storage for personally identifiable information.

~~(i)~~ The requirements of the U.S. Department of Education for security of data shall be followed under the restricted use data license for research involving the National Center for Education Statistics IPEDS database.

~~(j)~~ The official custodian annually shall inform the appropriate state office of any new public records maintained by the Commission for which inspection may be denied under the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205).

~~(k#)~~ The Commission shall also collect data from non-community college entities to support the data requirements of the ABE adult basic education, family literacy and GED general education development programs.

Section 10. Hearings.

(a) Contested case hearings before the Commission shall be governed by the Wyoming Administrative Procedures Act. ~~(W.S. 16-3-101 through 16-3-115).~~

(b) Prior to formal proceedings, the Commission shall assist in the informal resolution of disputes between community colleges when requested and shall act as a board of appeal for disputes between community colleges that cannot be resolved informally.

(c) A community college may challenge any Commission decision, including community college disputes under (b) above, and may challenge a Commission decision through a request for a formal hearing conducted as described in (a) above. ~~by requesting a hearing before the Commission.~~

(i) The Commission shall determine whether or not to hear the dispute or refer it to contested case hearing status.

(ii) If the Commission accepts the request for a hearing, the Commission chair shall appoint a subcommittee of the Commission to hear the dispute.

(iii) The subcommittee shall establish timelines for the presentation of testimony and the admissibility of evidence and records. The subcommittee shall ensure against unnecessary delay in the hearings and proceedings. The subcommittee shall consider only documentation presented to it, but may request external expert advice related to the issues raised. All interested parties to the dispute must have access to all testimony, documentation, and reports.

(iv) The subcommittee shall determine findings of fact and make a recommendation to the Commission at its next scheduled meeting.

(v) The Commission shall take action on the recommendation.

(d) All parties shall bear their own expenses associated with a hearing referenced above, although the Commission staff shall arrange to have the proceedings recorded electronically, by court reporter, or by other appropriate means. No transcript shall be prepared except upon order and payment by the party requesting it.

Section 11. General Provisions.

The Commission's rules apply to the Wyoming Community College Commission, Wyoming community colleges, outreach centers, and programs of the Commission. Matters not covered by statutes and *Commission Rules*, or reasonably incident to them, shall be governed by the individual community college district boards, following all applicable laws.

CHAPTER 3
GENERAL FUNCTIONS

Section 1. Authority.

Wyoming Statute 21-18-202(a) and 21-18-202(h).

Section 2. Purpose.

This chapter defines the Commission's general functions.

Section 3. Advocating Community College Education.

(a) The Commission shall be the primary voice for matters relating to community college education affecting two or more of the community colleges.

(b) The community colleges shall provide to the Commission:

(i) all data referenced in Chapter 7 of *Commission Rules*,

(ii) three copies of current community college catalogs,

(iii) minutes of all college trustees meetings to be delivered in a timely manner, or posted to the college website in a timely manner.

(iv) names of new trustees to be delivered in a timely manner,

(v) other materials necessary to support advocating community college education activities.

(c) The Commission shall encourage community colleges and school districts to utilize the procedures provided by W.S. 21-20-101 through 21-20-111.

Section 4. Establishing Tuition Rates.

(a) The Commission shall establish tuition rates for the community colleges.

(b) The Commission shall establish a long-range tuition policy (four to six years) and renew or alter it as needed.

(c) The Commission may review tuition rates at any time and may address tuition rate changes on a short-term or emergency basis. At a minimum, tuition rates will be reviewed by each December.

(d) The tuition rates may include recognition of differential program delivery costs.

(e) In the event a commission-approved tuition rate results in an amount other than even dollars, the colleges will round down to the nearest whole dollar amount. This provision applies to in-state, out-of-state, and WUE enrollees.

Section 5. Establishing Residency Requirements.

(a) This residency policy shall be published in catalogs of the community colleges.

(i) A student previously classified as a nonresident may be reclassified any time prior to the end of the published refund period of any term in which he/she qualifies.

(ii) A properly registered student who is classified as a resident by one community college shall be classified a resident at all community colleges.

(b) Classification Procedures.

(i) Residence classification shall be initiated for each student at the time the application for admission is accepted and whenever a student has not been in attendance for more than one (1) semester.

(ii) Only individuals or their legal dependants who are U.S. citizens or have been issued a visa by the U.S. Department of State shall qualify for residency.

(iii) Community colleges may require applicants to supply information to document residency status.

(c) Residence. Residency is defined in W.S. 22-1-102(a)(xxx). Any of the following may be used by a student and shall result in an individual being classified or reclassified as a Wyoming resident for tuition purposes, notwithstanding (b) above:

(i) A graduate of a Wyoming high school or recipient of a high school equivalency in Wyoming who enrolls in a community college within twelve (12) months of either high school graduation or high school equivalency completion;

(ii) An individual who can provide written verification that he/she has lived in Wyoming continuously for one (1) year prior to enrolling;

(iii) A legal dependant under the age of 24 or a spouse of a resident of the State of Wyoming who qualifies as a resident based upon this policy;

(iv) A legal dependant under the age of 24 of a Wyoming community college graduate;

(v) A student who marries a Wyoming resident shall be granted resident classification at the beginning of the next term following the marriage;

(vi) An individual on active duty in Wyoming with the United States Armed Forces, Wyoming National Guard or Reserves, and his/her legal dependants;

(vii) An individual who can provide written verification from an employer that he/she shall be employed in Wyoming for an anticipated period of not less than seven (7) months, and such employment is the principal means of support;

(viii) Persons temporarily absent from the state due to military service, attendance at educational institutions, or other types of documented temporary absences shall not have their resident status voided by such absence.

(d) Exceptions. An individual who does not reside in Wyoming may be considered a resident for tuition purposes if he/she meets all of the following criteria:

(i) His/her principal employment is located within Wyoming and the income from his/her employment is the principal source of income for his/her family;

(ii) Pays Wyoming taxes as required by law;

(iii) He/she has been employed within Wyoming for at least a majority of the twelve (12) consecutive months immediately preceding application for resident tuition; and

(iv) At the time of enrollment and in accordance with requirements of the enrolling institution, the person, his/her spouse or any child of that person submits to the community college a notarized affidavit attesting to these requirements.

Section 6. Maintaining Administrative Computing System Contracts and Common Carrier Electronic System Access.

(a) The Commission shall be responsible for system wide contracts, including related training and support, that allows for the necessary infrastructure to run an ACS at the community colleges.

(b) Final decision authority in operating the ACS shall be made by the Commission upon approval by the Executive Council with the guidance and recommendation of the Chief Information Officers Council.

(c) The Commission shall be responsible for administering agreements or contracts to provide the necessary internet connectivity to the community colleges for the ACS.

Section 7. Coordinating Development and Maintenance of the Community College Commission Statewide Strategic Plan.

In accordance with W.S. 21-18-202(h), the Commission and the community colleges shall follow the processes described in the *WCCC Policy on Consultation* with regard to communication and consultative activities associated with developing and periodically updating the strategic plan.

CHAPTER 3
GENERAL FUNCTIONS

Section 1. Authority.

Wyoming Statute (~~21-18-202~~)(a) and 21-18-202(h).

Section 2. PurposeApplicability.

This chapter defines the Commission's general functions.

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(iii) minutes of all college trustees meetings to be delivered in a timely manner, or posted to the college website in a timely manner,

(iv) names of new trustees to be delivered in a timely manner,

(v) other materials necessary to support advocating community college education activities.

(c) The Commission shall "encourage community colleges and school districts to utilize the procedures provided by (W.S. 21-20-101 through 21-20-111)."²

Section 4. Establishing Tuition Rates.

(a) The Commission shall establish tuition rates for the community colleges.

(b) The Commission shall establish a long-range tuition policy (four to six years) and renew or alter it as needed.

(c) The Commission may review tuition rates at any time and may address tuition rate changes on a short-term or emergency basis. At a minimum, tuition rates will be reviewed by each December.

(d) The tuition rates may include recognition of differential program delivery costs.

(e) In the event a Commission-approved tuition rate results in an amount other than even dollars, the colleges will round down to the nearest whole dollar amount. This provision applies to in-state, out-of-state, and WUE enrollees.

Section 5. Establishing Residency Requirements.

(a) This residency policy shall be published in catalogs of the community colleges.

(i) A student previously classified as a nonresident may be reclassified any time prior to the end of the published refund period of any term in which he/she qualifies.

(ii) A properly registered student who is classified as a resident by one community college shall be ~~considered~~ classified a resident at all community colleges.

(b) Classification Procedures.

(i) Residence classification shall be initiated for each student at the time the application for admission is accepted and whenever a student has not been in attendance for more than one (1) semester.

(ii) Only individuals or their legal ~~dependents~~ dependants who are U.S. citizens or have been issued a visa by the U.S. Department of State shall ~~are in an immigrant status may~~ qualify for residency.

(iii) Community colleges may require applicants to supply information to document residency status.

(c) Residence. Residency is defined in W.S. 22-1-102(a)(xxx). Any of the following may be used by a student and ~~would~~ shall result in an individual being classified or reclassified as a Wyoming resident for tuition purposes, notwithstanding (b) above:

(i) A graduate of a Wyoming high school or recipient of a ~~GED~~ high school equivalency in Wyoming who enrolls in a community college within twelve (12) months of either high school graduation or ~~GED~~ high school equivalency completion;

(ii) An individual who can provide written verification that he/she has lived in Wyoming continuously for one (1) year prior to enrolling;

(iii) A ~~legal dependent~~ dependant under the age of 24 or a spouse of a resident of the State of Wyoming who qualifies as a resident based upon this policy;

(iv) A ~~legal dependent~~ dependant under the age of 24 of a Wyoming Community College graduate;

(v) A student who marries a Wyoming resident shall be granted resident classification at the beginning of the next term following the marriage;

(vi) An individual on active duty in Wyoming with the United States Armed Forces, Wyoming National Guard or Reserves, and his/her legal ~~dependents~~ dependants;

(vii) An individual who can provide written verification from an employer that he/she shall be employed in Wyoming for an anticipated period of not less than seven (7) months, and such employment is the principal means of support;

(viii) Persons temporarily absent from the state due to military service, attendance at educational institutions, or other types of documented temporary absences shall not have their resident status voided by such absence.

(d) Exceptions. ~~In accordance with (W.S. 21-17-105), a~~ An individual who does not reside in Wyoming may be considered a resident for tuition purposes if he/she meets all of the following criteria:

(i) ~~His/her principal employment is located within Wyoming and the income from his/her employment is the principal source of income for his/her family; Has been employed in Wyoming for at least seven (7) months, and such employment is the applicant's principal means of support;~~

(ii) Pays Wyoming taxes as required by law;

(iii) ~~He/she has been employed within Wyoming for at least a majority of the twelve (12) consecutive months immediately preceding application for resident tuition; and Resides in a state with a similar law; and~~

(iv) ~~At the time of enrollment and in accordance with requirements of the enrolling institution, the person, his/her spouse or any child of that person submits to the community college a notarized affidavit attesting to these requirements. Is willing to submit an affidavit to the above.~~

Section 6. Maintaining Administrative Computing System Contracts and Common Carrier Electronic System Access.

(a) ~~The Commission shall be responsible for system wide contracts, including related training and support, that allows for the necessary infrastructure to run an ACS at the community colleges. for hardware and software systems supporting community college administrative computing operations.~~

(b) ~~The Commission shall be responsible for development and maintenance of a management information system.~~

(be) ~~Final decision authority in operating the ACS shall be made by the Commission upon approval by the Executive Council with the guidance and recommendation of the Chief Information Officers Council. Advice and recommendations relative to the operation of the administrative computing system shall be provided through the Executive Council to the Executive Director by the Chief Information Officers Council.~~

~~**Section 7. Maintaining Common Carrier Electronic System Access.**~~

~~(c) The Commission shall be responsible for administering agreements or contracts to provide the necessary internet connectivity to the community colleges for the ACS. access to electronic systems by the community colleges.~~

Section 7. Coordinating Development and Maintenance of the Community College Commission Statewide Strategic Plan.

In accordance with W.S. 21-18-202(h), the Commission and the community colleges shall follow the process described in the *WCCC Policy on Consultation* with regard to communication and consultative activities associated with developing and periodically updating the strategic plan.

CHAPTER 4
COORDINATION FUNCTIONS

Section 1. Authority.

Wyoming Statutes 21-18-105 and 21-18-202.

Section 2. Purpose.

This chapter defines the Commission's coordination functions.

Section 3. Coordinating Data Submission to the Integrated Postsecondary Education Data System (IPEDS).

Community colleges shall submit data to the IPEDS website by the IPEDS deadlines. The Commission IPEDS coordinator shall review data submissions and utilize the coordinator's "locking" authority to finalize the submission process.

Section 4. Coordinating the Common Course Numbering System.

The Commission staff shall coordinate and approve course numbering and substantive course numbering modifications proposed by the community colleges consistent with the numbering system agreed to by the University of Wyoming and the community colleges.

Section 5. Coordinating the State Adult Basic Education Program.

(a) The Commission shall coordinate the state ABE program through a state plan in compliance with state and federal statutes and/or regulations.

(b) The Commission is responsible for:

(i) development, submission, and implementation of the state plan;

(ii) consultation with educational entities, agencies, groups, and individuals involved in the development and implementation of activities;

(iii) coordination with other federal and state education, training, corrections, public housing, and social service programs;

(iv) awarding of grants and contracts;

(v) monitoring local grantees; and

(vi) collection and compilation of data for state and federal reports.

(c) ABE centers may be located at the community colleges and other eligible sites, deemed appropriate by pertinent state and federal laws, throughout the state.

(d) To meet the requirements of the ABE program, the Commission shall establish policy and procedures for high school equivalency.

Section 6. Coordinating Academic and Vocational-Technical Programs.

(a) The following service areas have been adopted by the Commission pursuant to Session Laws 1991, Ch. 228, Sect. 3(d):

(i) Casper College: Natrona County;

(ii) Central Wyoming College: Fremont, Hot Springs, and Teton Counties, and the Wyoming State Penitentiary;

(iii) Eastern Wyoming College: Goshen, Converse, Crook, Weston, Niobrara, and Platte Counties;

(iv) Laramie County Community College: Laramie and Albany Counties;

(v) Northern Wyoming Community College District: Sheridan, Johnson, and Campbell Counties;

(vi) Northwest College: Park, Big Horn and Washakie Counties and Yellowstone National Park; and

(vii) Western Wyoming Community College: Sweetwater, Sublette, Lincoln, Uinta, and Carbon Counties.

(b) A community college proposing to deliver a program in the service area of another community college when a physical presence will be established shall notify the Commission in sufficient time to allow for the coordination process. If necessary, the Commission shall convene affected parties and determine which community college shall deliver the program.

(c) A community college may provide distance delivered instruction outside its service area. A community college shall not establish a physical presence to provide instruction outside of its service area without the written permission of the community college district serving the area under consideration. This written permission expires at the end of five (5) years and must be renewed to continue.

Section 7. Coordinating a Declination to Provide Program Response

(a) The Commission shall coordinate with all affected community colleges to prepare a response to the requesting board of county commissioners when a community college decides not to provide a requested program, pursuant to W.S. 21-18-202(b)(vi).

(b) Upon referral from a community college, the Commission and all affected community colleges shall collaborate according to the process of the *WCCC Policy on Consultation* to provide a coordinated response.

CHAPTER 4

COORDINATION FUNCTIONS

Section 1. Authority.

Wyoming Statute 21-18-105 and ~~(21-18-202(b)(h))~~.

Section 2. Purpose ~~Applicability~~.

This chapter defines the Commission's coordination functions.

Section 3. Coordinating Data Submission to the Integrated Postsecondary Education Data System (IPEDS).

~~(a) The Commission IPEDS coordinator shall serve as liaison and approval authority for the community colleges' data submissions.~~

~~(b)~~ Community colleges shall submit data to the IPEDS website by the IPEDS deadlines. The Commission IPEDS coordinator shall review data submissions and utilize the coordinator's "locking" authority to finalize the submission process.

Section 4. Coordinating the Common Course Numbering System.

The Commission staff shall coordinate ~~approval of all~~ and approve courses numbering and substantive course numbering modifications proposed by the community colleges consistent with the numbering system agreed to by the University of Wyoming and the community colleges.

Section 5. Coordinating the State Adult Basic Education Program.

(a) The Commission shall coordinate the state ABE ~~adult basic education~~ program through a state plan in compliance with state and federal statutes and/or regulations.

(b) The Commission is responsible for:

(i) ~~the~~ development, submission, and implementation of the state plan;

(ii) consultation with educational entities, agencies, groups, and individuals involved in the development and implementation of activities;

(iii) coordination with other federal and state education, training, corrections, public housing, and social service programs;

(iv) ~~the~~ awarding of grants and contracts;

(v) monitoring local grantees; and

(vi) ~~the~~ collection and compilation of data for state and federal reports.

(c) ~~ABE Adult basic education~~ centers may be located at the community colleges and other eligible sites, deemed appropriate by pertinent state and federal laws, throughout the state.

(d) ~~To meet the requirements of As part of the ABE adult basic education~~ program, the Commission shall establish policy and procedures for the high school equivalency General Education Development (GED) program in accordance with the American Council on Education General Education Development Testing Service.

Section 6. Coordinating Academic and Vocational-Technical Programs.

(a) The following service areas have been adopted by the Commission pursuant to Session Laws 1991, Ch. 228, Sect. 3(d):

(i) Casper College; Natrona County;

(ii) Central Wyoming College; Fremont, Hot Springs, and Teton Counties, and the Wyoming State Penitentiary;

(iii) Eastern Wyoming College; Goshen, Converse, Crook, Weston, Niobrara, and Platte Counties;

(iv) Laramie County Community College; Laramie and Albany Counties;

(v) Northern Wyoming Community College District; Sheridan, Johnson, and Campbell Counties;

(vi) Northwest College; Park, Big Horn and Washakie Counties and Yellowstone National Park; and

(vii) Western Wyoming Community College; Sweetwater, Sublette, Lincoln, Uinta, and Carbon Counties.

(b) A community college proposing to deliver a program in the service area of another community college when a physical presence will be established shall notify the Commission in sufficient time to allow for the coordination process. If necessary, the Commission shall convene affected parties and determine which community college shall deliver the program.

(c) A community college may provide distance delivered instruction outside its service area. A community college shall not establish a physical presence to provide instruction outside of its service area without the written permission of the community college district serving the area under consideration. This written permission expires at the end of five (5) years and must be renewed to continue.

~~Section 7. Coordinating Development of the Biennial Strategic Plan.~~

~~(a) The Commission and the community colleges shall follow the processes described in the~~

~~WCCC Policy on Consultation with regard to communication and consultative activities associated with developing and periodically updating the statewide college system strategic plan.~~

Section 7 8. Coordinating a Declination to Provide Program Response

(a) The Commission shall coordinate with all affected community colleges to prepare a response to the requesting board of county commissioners when a community college decides not to provide a requested program, pursuant to W.S. 21-18-202(b)(vi).

(b) Upon referral from a community college, the Commission and all affected community colleges shall collaborate according to the process of the *WCCC Policy on Consultation* to provide a coordinated response.

**CHAPTER 5 RULES
ADMINISTRATIVE FUNCTIONS**

Section 1. Authority.

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

Section 2. Purpose.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

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

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

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

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

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

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

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

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

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

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

(ii) For each community college, the sum of the adjusted 2011-2012 biennial budget appropriation for state aid, net Budget Division adjustments to base, and the community

college district revenue shall be divided by two to establish annual college-specific base funding amounts.

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

(A) Definitions of fixed and variable costs:

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

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

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

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

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

locations are deemed to be fully variable while the operating costs for campuses vary by functional category.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Preparing Commission and Community College Budget Requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Disbursing State and Other Funds.

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

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

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

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

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

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

Section 6. Establishing and Promoting Statewide Priorities.

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

Section 7. Administering the Wyoming Investment in Nursing Program.

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

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

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

(d) Application Form

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

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

(e) Selection Process

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

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

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

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

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

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

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

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

(g) Interest

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

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

(h) Loan Terms

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

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

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

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

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

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

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

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

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

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

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

(i) Terms of Repayment

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

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

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

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

(k) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Administering the Teacher Shortage Loan Repayment Program.

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

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

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

(d) Application Form

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

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

(e) Selection Process

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

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

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

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

(f) Interest

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

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

(g) Loan Terms

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

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

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

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

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

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

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

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

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

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

(h) Terms of Repayment

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

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

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

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

(j) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Major Maintenance Funding and Distribution.

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

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

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

Section 11. Capital Construction Requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) An estimated amount for contingencies.

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

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

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

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

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

(I) An amount for bonding and insurance.

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

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

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

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

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

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

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

Section 12. Distributing State Funds for Capital Construction.

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER 5 RULES
ADMINISTRATIVE FUNCTIONS**

Section 1. Authority.

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

Section 2. PurposeApplicability.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

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

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

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

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

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

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

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

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

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

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 201109; and

(III) Two times the amount of actual other revenue for fiscal-year 201109.

(ii) For each community college, the sum of the adjusted 201109-20120 biennial budget appropriation for state aid, net Budget Division adjustments to base, and the community college district revenue shall be divided by two to establish annual college-specific base funding amounts.

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

(A) Definitions of fixed and variable costs:

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

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

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

function are summed to produce a separate total. The two totals are summed to produce the total relevant costs for the community college. The fixed and variable percentages are determined by dividing those respective totals into the total costs for the community college.

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

Instruction—35 percent fixed and 65 percent variable;

Service—0 percent fixed and 100 percent variable;

Academic support—80 percent fixed and 20 percent variable;

Student services—70 percent fixed and 30 percent variable;

Institutional support—90 percent fixed and 10 percent variable;

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

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

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

Extension operations—0 percent fixed and 100 percent variable

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

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

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

(III) Campus location costs are sorted by function and summed to generate a total, by function, of each community college's campuses. The

following standard percentages are applied to the functional cost category totals to determine the portion of each function that is fixed or variable:

Instruction – 35 percent fixed and 65 percent variable;

Service – 0 percent fixed and 100 percent variable;

Academic support – 80 percent fixed and 20 percent variable;

Student services – 70 percent fixed and 30 percent variable;

Institutional support – 90 percent fixed and 10 percent variable;

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

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

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

Extension operations – 0 percent fixed and 100 percent variable

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

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

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

~~Casper College—57.5 percent fixed and 42.5 percent variable;~~

~~Central Wyoming College—60.6 percent fixed and 39.4 percent variable;~~

~~Eastern Wyoming College—57.2 percent fixed and 42.8 percent variable;~~

~~Laramie County Community College—57.0 percent fixed and 43.0 percent variable;~~

~~Northwest College—58.1 percent fixed and 41.9 percent variable;~~

~~Northern Wyoming Community College District—58.6 percent fixed and 41.4 percent variable; and~~

~~Western Wyoming Community College—63.2 percent fixed and 36.8 percent variable~~

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

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

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

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

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

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

(A) The base period system-wide credit-hour revenue shall be multiplied by the percentage of the system-wide adjusted 2011~~09~~-2012~~0~~ 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~~08~~ and 2011~~09~~ Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2010~~08~~ and 2011~~09~~ Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2010~~08~~ and 2011~~09~~ Level Three credit hours multiplied by a factor of 2.0.

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

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

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

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

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

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

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

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

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

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

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

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

(II) If the composite changes for all community colleges are either greater than the NCCBP threshold or less than the NCCBP threshold, the full 10

percent of this variable cost state funding shall remain exempt from recapture/redistribution, but shall be not be subject to reallocation.

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

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

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

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

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

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

(A) External cost adjustments can also be applied to state funding of Wyoming Public Television. However, given that enrollment is not a factor in Wyoming Public Television's operations, the external cost adjustment shall be based solely upon the

most recent Consumer Price Index available at the time of biennial budget submission. ~~and for fiscal year 2011 and fiscal year 2012, the calculated rate is 1.4 percent.~~

(xiv) For fiscal-year 2013~~1~~ and fiscal-year 2014~~2~~, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2013~~1~~-2014~~2~~ biennial budget request.

(xvi) A spreadsheet depicting the operation of the funding allocation model for 2013~~1~~-2014~~2~~ shall be included in the *Fiscal Handbook*.

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

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

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

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

(D) The calculation of college-specific variable costs state funding payable from the enrollment growth funding pool shall then be divided by two, and the resulting amount shall be distributed to the community colleges at the same time as the

its December and March distributions of state aid, but shall be identified separately given that the source of funding for the enrollment growth funding pool can only be appropriated through the exception budget request process.

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

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

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

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

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

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

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

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

(i) Annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to colleges based on their proportionate share of credit full-time-

equivalent (Credit FTE) enrollment as reported in Table 5 of the Wyoming Community College System Annual Enrollment Report for the two most current years available. This process shall be followed until an approved funding allocation model is in place.

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

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

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

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

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

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

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

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

(C) The Commission shall evaluate the sufficiency of funding in the health insurance premium benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the Budget Division of the Department of Administration and Information to identify other possible funding options, and if other

options are not available, and if supplemental budget requests can still be submitted, the Commission shall consider such a request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Preparing Commission and Community College Budget Requests.

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

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

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

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

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

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

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

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

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

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

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

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

(V) An incentive pool (i.e., special purpose funding) intended to provide start-up revenue to one or more community colleges for programs which address unanticipated and emerging statewide needs, but which lack sufficient

resources initially. Initial funding for such programs shall be subject to Commission approval, and continued funding shall be subject to satisfaction of established performance benchmarks. Funding provided by the pool shall not be considered long-term, regardless of program success. Any undistributed balance of this pool shall revert at the end of the biennium.

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

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

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

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

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

Section 5. Disbursing State and Other Funds.

(a) Unless otherwise directed by the 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. ~~Biennial Funding Report.~~

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

Section 6 7. Establishing and Promoting Statewide Priorities.

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

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

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

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

(c) Eligibility

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

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

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

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

~~(d) — Criteria for Application~~

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

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

~~(B) — A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree, with a preference given to a registered nurse currently teaching at the University of Wyoming or a Wyoming college, and the registered nurse is accepted into a nursing education program at the University of Wyoming leading to a master's degree in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a master's degree program, the applicant shall agree to repay the loan by teaching at a Wyoming college or the University of Wyoming. If the applicant registered nurse is not accepted into a nursing education program at the University of Wyoming and upon approval of the Commission, the applicant registered nurse may be accepted into an accredited nursing education program at a university located outside of the state. Loans awarded for applicants~~

~~accepted into programs outside of Wyoming shall not exceed the loan amounts available for programs at the University of Wyoming; or~~

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

~~(d)~~ Application Form

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

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

~~(e)~~ Selection Process

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

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

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

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

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

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

~~(f)~~ Limits on Loan Amounts.

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

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

~~(g)~~ Interest

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

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

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

~~(h)~~ Loan Terms

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

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

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

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

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

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

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

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

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

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

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

(ij) Terms of Repayment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(kl) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

~~(lm)~~ Review and Reporting.

~~(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. § 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program.~~

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

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

Section 8.9. Administering the Teacher Shortage Loan Repayment Program.

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

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

(c) Eligibility

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

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

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

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

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

(de) Application Form

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

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

(ef) Selection Process

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

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

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

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

~~(g) — Limits on Loan Amounts~~

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

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

~~(fh) Interest~~

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

(ii) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission ' s financial institution in the same manner as

specified under W.S. § 39-16-108(b) for determining the interest rate on delinquent use taxes. The rate shall be approved by the Commission by July 1st of every calendar year.

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

(g~~i~~) Loan Terms

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

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

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

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

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

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

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

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

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

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

(h†) Terms of Repayment

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

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

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

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

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

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

~~(B) — To obtain employment in the targeted occupation for which the person received the education within two hundred forty (240) days after successfully obtaining the appropriate certification, shall commence cash repayment of the loan within two hundred eighty five (285) days after successfully obtaining the appropriate certification.~~

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

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

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

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

(j) Default of a Loan.

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

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

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

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

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

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

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

(v) Students may be granted a delay from having to repay loans and interest, including interest accrual, thereon, in whole or in part or complete cancellation, including interest accrual, thereon, when the requirement to repay would cause undue hardship, economic or otherwise. The financial institution responsible for servicing the

loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Commission reserves the right to consider and make the final decision as to any request on the basis of undue hardship, economic or otherwise.

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

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

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

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

~~(k)~~ Review and Reporting

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

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

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

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

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

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

(c) ~~Definitions:~~

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

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

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

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

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

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

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

(d) ~~Eligibility:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Application Process. Vietnam veterans, overseas combat veterans and surviving spouses and dependants ~~orphans~~ shall apply for the educational benefit under

this section with ~~an~~ the eligible institution in ~~(f)(i)(B)~~ and will provide the appropriate documentation to establish eligibility.

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

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

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

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

~~(e) Educational Benefits.~~

~~a. Vietnam veterans will be eligible for free tuition for not more than ten (10) semesters for any credit or vocational educational course for which the Vietnam veteran registers.~~

~~(ii) Vietnam veteran surviving spouses and children will be eligible for free tuition, matriculation and other fees for courses of instruction at any state institution in elementary, secondary and college grades, business colleges, state vocational training schools or other educational institutions of the State of Wyoming the which would tend to enable the individual to engage in any useful trade, occupation or profession,~~

~~b. Overseas combat veterans will be eligible under this section for free tuition and fees for not more than ten (10) semesters for any credit course for which the overseas combat veteran registers subject to the following provisions:~~

~~(A) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(B) Shall not be eligible after more than ten (10) academic years after the date the veteran completes military service; and~~

~~(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

e. ~~Combat veteran surviving spouses are eligible for free tuition and fees subject to the following provisions:~~

~~(A) — Shall not be eligible for more than ten (10) semesters for any credit course for which the surviving spouse registers; and~~

~~(B) — Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(C) — Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) — Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

d. ~~Combat veteran surviving orphans are eligible for free tuition and fees subject to the following provisions:~~

~~(A) — Shall not be eligible to apply for the first semester of free tuition under this section more than three (3) academic years after:~~

~~(I) — For a high school graduate, the graduation date of the student's high school class, except for good cause, or;~~

~~(II) — For a student with a General Educational Development (GED) diploma or for a student who was home schooled, the high school graduation date of students of the same age, except for good cause; and~~

~~(B) — Shall not be eligible for more than ten (10) semesters for any credit course for which the combat veteran surviving orphan registers; and~~

~~(C) — Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(C) — Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) — Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

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

~~Tuition and fees for overseas combat veterans, combat veteran surviving spouses and combat veteran surviving orphans under this section will be reimbursed by the Community College Commission to the University of Wyoming or one of the Wyoming community colleges, subject to the availability of funds appropriated.~~

~~(i) Reimbursement requests, accompanied by a Certificate of Eligibility provided by the Community College Commission, will be processed for payment on a semester basis by the Commission; and~~

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

~~(d) Exemptions for Good Cause.~~

~~Any combat veteran surviving orphan may be exempt from the deadline for applying for educational benefits as outlined in (f)(iv)(A) of this section if the orphan:~~

~~(i) Enters into active military duty in the U.S. Armed Forces; or~~

~~(ii) Enters into a formalized religious service; or~~

~~(iii) Can demonstrate in writing, to the financial aid director of the University of Wyoming or a community college, other good cause.~~

~~(e) Review and Reporting.~~

~~a. The community college commission shall submit a report to the joint appropriations and the joint education interim committees by October 1, 2006 and annually thereafter on October 1.~~

~~(i) The report shall identify the actions taken and monies expended pursuant to this act.~~

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

(g) Initial use of benefits. Initial eligibility shall be determined by the financial aid office at the University of Wyoming or the community college in which the veteran is applying for the benefit. The financial aid office shall be responsible for determining that a dependant is under the age of twenty-two (22) when initially applying to use the benefit.

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

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

Section 10. Major Maintenance Funding and Distribution.

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

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

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

Section 11. ~~Administering Maintenance and Capital Construction Requests~~ Funding.

(a) Under authority of W.S. 21-18-225, this section addresses the development ~~and submission methods~~ of a prioritized list of community college capital construction projects, and ~~the its~~ submission of this list to the Construction Management Division of the Department of Administration and Information and the sState bBuilding eCommission.

(b) The prioritized list of community college capital construction projects shall include only necessary building square footage required for provision of those education programs servicing the state's interests as described in Chapter 4 of the WY Community College Commission comprising the sStatewide college system sStrategic pPlan developed and maintained under the authority of ~~by~~ W.S. 21-18-202 (a)(v).

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

~~(id)~~ The Commission shall provide guidelines and format for community colleges to use in developing its their prioritized capital construction ~~and major maintenance~~ lists which are correlated to the WY Community College Commission comprising the sStatewide college system sStrategic pPlan.

~~(ije)~~ 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.

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

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

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

~~(g) The statewide college system strategic plan shall guide the comprehensive assessment of community college buildings and future space requirements.~~

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

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

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

(iii) Upon completion of the review required of the General Services Division in accordance with W.S. 21-18-225(g), together with their recommendation to the State Building Commission, the General Services Division shall develop a budget for each project as specified in W.S. 9-5-108 (J), and shall include as separate line items:

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

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

III.

(C) An estimated amount for contingencies.

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

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

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

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

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

(I) An amount for bonding and insurance.

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

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

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

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

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

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

(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 eCommission within 30 days of college board approval. in writing and according to the lead time necessary to meet subsequent reporting deadlines.

(i) The Commission shall identify and implement a uniform, industry recognized method for computation of square footage eligible for major maintenance funding.

Section 12. Distributing State Funds for Capital Construction.

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

~~(b) The Commission shall take under consideration the potential need for cost adjustments due to inflationary forces which may produce cost differentials between planning phases and commencement of construction. Any adjustments shall be based on a recognized construction industry index.~~

~~(i) Community colleges shall notify the commission in writing should the need for such consideration occur.~~

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

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

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

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

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

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

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

(d) Once into the construction phase, the community college shall pay all invoices related to the project. No more than monthly nor less than quarterly, the community college shall seek reimbursement from the Commission for the state's established share of each allowable expenditure, as determined by the General Services Division of the Department of Administration

and Information, and only up to the line-item appropriation as provided for in Section 11(d)(iii) of these Chapter 5 Rules. The community college shall record each individual transaction on a voucher created by the Commission and approved by the General Services Division. Such voucher shall be accompanied by supporting documentation specified by the Commission, and shall be reviewed and certified by the General Services Division prior to submission to the Commission. The Commission shall then submit the payment request necessary for the State Auditor's Office to reimburse the community college.

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

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

~~(i) The Commission's *Facilities Handbook* shall be referenced for information regarding the actual distribution or payment schedules of state funds for capital construction.~~

~~(d) Community colleges shall work directly with the general services division with regard to submission of information regarding construction phases that require division approval including change orders.~~

CHAPTER 6

APPROVAL FUNCTIONS

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)(C) and W.S. 21-18-225 to the Commission in accordance with chapter 5 section 11 of *Commission Rules*.

(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.

(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 rate 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 6

APPROVAL FUNCTIONS

Section 1. Authority.

Wyoming Statute (21-18-202(d)).

Section 2. ~~Purpose~~ Applicability.

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(ii) ~~the~~ projected labor market demand for graduates in the state and region which includes a ~~for the~~ 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~~iii) ~~the~~ documented citizen, business and industry input in program design and assessment (AAS or credit certificate);

(~~iv~~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;

~~(v) the means for assessing student learning and completer follow up per core indicators; and~~

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

~~any the~~ 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 presented as a (lecture, in a lab, practicum, clinical, internship or other) and the offering mode(s) for the requested program (face-to-face, online, hybrid or other);~~

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

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

~~(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 appropriate eCommittee shall render final approval or denial of a new pilot program request.

(i) Within 10 5 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 3 semester or 24 18 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.~~addressing:~~

~~(i) the documented citizen, business and industry request for the program and course design;~~

~~(ii) the means by which the proposed program shall or shall not coordinate internally and externally with other programs, colleges, and agencies;~~

~~(iii) the means for assessing student learning and completer follow up per core indicators;~~

~~(iv) a breakdown of course pedagogy, identifying the number of classes in a semester that shall be presented as a lecture, in a lab or other;~~

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

~~(vi) the proposed level of instruction code for new courses and any other information as may be deemed relevant to assist in the program approval process.~~

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

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

(hg) 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 designated authority.

(ih) 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. Any changes to a program that alters the program's original approval information shall require Commission approval. 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.

~~(a) The Commission shall approve enlargement of community college districts that annex non-contiguous counties and formation of new community college districts pursuant to (W.S. 21-18-310 and 21-18-312).~~

(b) 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) ~~(iv)~~ (v)(A)(B)(C)) and (W.S. 21-18-225 ~~(b)(ii)(f)~~) to the Commission in accordance with chapter 5 section 11 of *Commission Rules*. ~~prior to April 1 of each year.~~

~~(b) Under special circumstances, a capital construction project proposal may be submitted for Commission consideration on a date after the April 1 deadline. Such proposals shall include a substantive rationale for not meeting the standard submission date. Proposals advanced under this provision shall be submitted 90 days prior to the Commission meeting at which approval is to be requested. Such proposals may not meet the timelines of the State Building Commission and may not be proposed to the legislature in the desired session.~~

(be) 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.

(cd) 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, only in conjunction with a request for approval of a capital construction project.

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

~~(i) A current space utilization study.~~

~~_____ (A) Space utilization standards for academic and administrative office and support space, instructional space, library space, special purpose spaces and non assignable areas, research space, auxiliary space, and hybrid spaces shall conform to the methodology of the *Wyoming Community College Commission Facilities Handbook*.~~

~~_____ (B) Project proposals shall conform to the space utilization standards for the type of space under consideration. New space that exceeds utilization standards as demonstrated by the space utilization report shall not be considered for approval unless justified and documented for a unique purpose.~~

~~(ii) Specific identification of Assurance that the proposed project and its priority within conforms to the community college's master plan along with assurance that the proposed project supports and the *WY Community College Commission sStatewide college system sStrategic pPlan*.~~

~~(iii) Assurance that the square footage of proposed new capital construction conforms to the statewide college system 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 rate 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.~~

(ef) 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.

(fg) 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

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 General Services 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 General Services Division (GSD) by 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 GSD no later than November 1 of every year.

(e) The commission shall provide to the GSD the actual gross square footage of college facilities eligible for major maintenance in accordance with chapter 5, section 10 of these *Commission Rules*.

CHAPTER 7

REVIEW AND REPORT FUNCTIONS

Section 1. Authority.

Wyoming Statute ~~{21-18-202(e)(v)(A)}~~ and ~~{21-18-225}~~.

Section 2. Purpose~~Applicability~~.

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 ~~G~~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.

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

Section 4. Reporting Financial and Enrollment Audits~~Findings~~.

(a) Community college audits shall be accomplished in the manner set forth in ~~statute~~-~~{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. 16-4-121 and 21-18-204).

(d) By October ~~On September~~ 1 of each year, each community college shall provide the Commission with an updated list of planned projects utilizing ~~C~~contingency ~~R~~reserve ~~A~~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 ~~On September~~ 1 of every even numbered year a new biennium, the community colleges shall provide a report of expenditures made for emergency repair, preventive maintenance, and renewal projects funded, or partially funded, by the ~~C~~contingency ~~R~~reserve ~~A~~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 Reports (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 ~~Biennial Funding Report~~, 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. ~~as well as level of instruction code assignments for scheduled courses within thirty days of the end of an instructional period.~~ These data elements shall be used to create Commission approved publications four times yearly. The draft reports shall be reviewed by the community college ~~made available for review by the community colleges~~ 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. ~~In accordance with (W.S. 21-18-202 (e)(ii)) the Commission shall biennially, during the fall or spring semester, conduct an onsite audit of each community college to ensure system wide and internal uniformity and accuracy in the areas of reporting and accounting for levels of instruction as well as full-time equivalency calculations.~~

~~(ii) The Commission's degree of participation during financial and compliance audits shall be outlined in the *Fiscal Handbook*.~~

~~(i) The community colleges shall submit to the Commission on a timely basis copies of approved minutes of all meetings of the district board of trustees.~~

~~Section 5. Reviewing Community College Districts.~~

~~(a) The Commission shall review a community college district in coordination with the regional accrediting agency.~~

~~(b) The Commission review as outlined in the Commission's procedures and policies handbook shall occur at the same time as the accreditation review by the regional accrediting agency.~~

~~(c) The documentation provided to the Commission under *Commission Rules, Chapter 7, Section 3(a)* shall serve as the basis for preparing reports and recommendation to the Governor and the legislature. Additionally, any follow up reports shall be provided to the Commission in a timely manner.~~

~~(d) The Commission's report will include strengths, concerns, and accrediting team recommendations.~~

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

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

~~Section 5 6. 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. by September 1 of each year a list of partnership projects completed in the previous year to include the goals and objectives of the partnerships as well as the measurements of performance and the 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 7. Providing Annual Reports.~~

~~(a) The Commission shall maintain appropriate storage of data ~~implement and maintain a management information system (MIS) with which~~ 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. ~~(Management Information System Handbook).~~ ~~Administrative computing~~ ~~D~~data fields in the community college's ACS system ~~administrative computing system~~ not required for Commission data element collection may be utilized by the community colleges for their own ~~community college~~ 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 ~~new data elements in administrative computing system data fields populated for individual community college purposes, conversions may be necessary to free up data fields in order to maintain a common data elements dictionary.~~

(b) The studies and reports endorsed by statutory language necessitate periodic ~~regular~~ collection of data elements common to educational research. The Commission's Data Collection & Reporting Requirements Handbook ~~management information system handbook~~ shall specify the timelines for submission of periodically ~~regularly~~ collected data elements. These data elements shall be reviewed annually ~~three times yearly~~ 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 the MIS databases in compliance with the Family Educational Rights and Privacy Act (FERPA). Reports shall be structured so that personal identification of students in such a way that personal identification of students will not be possible.

Section 7 ~~8~~. Reporting on the Achievement of Statewide Priorities

~~(a)~~ (b) 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 sStatewide college system sStrategic pPlan.

~~(ba)~~ 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 ~~L~~Legislature and ~~G~~Governor on the achievement of statewide priorities as specified in the WY Community College Commission sStatewide college system sStrategic pPlan.

(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 time line for completion of such reports.

Section 8 ~~9~~. Reporting on Capital Construction and Major Maintenance

(a) In accordance with ~~(W.S. 21-18-225(c) (e) through (k))~~, the Commission shall report prioritized construction needs, or subsequent modified construction needs to the ~~g~~General ~~s~~Services ~~d~~Division of the ~~d~~Department of ~~a~~Administration and ~~i~~Information.

(b) Community colleges shall submit a prioritized 5year list of construction needs proposals for ~~only~~ the square footage that is aligned with the WY Community College Commission sStatewide college system sStrategic pPlan to the Commission for inclusion in the report to the ~~gGeneral sServices dDivision (GSD)~~ by July 1 of November 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) Community colleges shall provide the Commission with needs assessment studies and other facility information which support their respective construction priorities and major maintenance square footage.~~

~~(de) The Commission shall provide the prioritized construction list to the GSD no later than November 1 of every year. legislature and Governor along with needs assessment and major maintenance square footage by December 1 each year.~~

(e) The Commission shall provide to the GSD the actual gross square footage of college facilities eligible for major maintenance in accordance with chapter 5, section 10 of these Commission Rules.

CHAPTER 8
IMPLEMENTING FUNCTIONS

Section 1. Authority.

Wyoming Statute 21-18-202(c), (e), (f), (g), (h) and (i).

Section 2. Purpose.

This chapter defines the Commission's implementing functions.

Section 3. Establishing Reasonable Data Submission Timelines.

(a) The Commission shall establish reasonable deadlines for the submission of data. Timelines shall depend on the complexity and the amount of data to be collected.

(b) The collection schedule of survey data for outcome indicators shall be established at the beginning of the year in which data are to be collected or shall be noted in the *Data Collection & Reporting Requirements Handbook*.

(c) The procedure for collection of data elements from the ACS shall be stated in the *Data Collection & Reporting Requirements Handbook*.

(d) The collection of information for ad hoc requests such as legislative data requests or those from national organizations shall follow the procedure approved by the Executive Council.

Section 4. Assuring Uniform Accounting Practices.

(a) The community colleges shall adhere to the NACUBO standards and to the AICPA standards in accounting to insure uniform accounting of financial data.

(b) The fiscal operations of the community colleges shall comply with the Uniform Municipal Fiscal Procedures Act W.S. 16-4-101 through 16-4-124.

(c) Where conflicts exist between the Uniform Municipal Fiscal Procedures Act and NACUBO practices, the Uniform Municipal Fiscal Procedures Act shall take precedence.

(d) The process by which the community colleges' annual budgets are established shall conform to the provisions of the Uniform Municipal Fiscal Procedures Act.

Section 5. Withholding State Appropriations.

(a) The Commission may withhold up to five percent (5%) of state appropriations from any community college not in compliance with statute or the rules of the Commission pursuant to W.S. 21-18-202 (f)(iii).

(i) Any appropriation amount withheld shall be subject to the following procedural requirements:

(A) Community colleges not in compliance with the *Commission Rules* shall receive written notice of noncompliance at least sixty (60) days prior to the withholding of any amount of appropriation authorized by the legislature. The written notice shall identify the amounts to be withheld from quarterly funding distributions and the conditions required to resume or restore funding. Community colleges identified as noncompliant may request a hearing before the Commission under the provisions of Chapter 2, Section 10 of *Commission Rules*.

(B) Community colleges not in compliance with the *Commission Rules* may have withheld amounts restored, or future reductions eliminated, or both, by demonstrating compliance.

(b) Actions to withhold state appropriations from community colleges are subject to judicial review under the provisions of W.S. 16-3-114.

Section 6. Advancing Legislative Proposals.

(a) Proposals for legislative action on behalf of the community colleges shall be submitted to the executive director for inclusion on the agenda of the Executive Council to initiate collaborative discussion according to the *WCCC Policy on Consultation*.

(b) Upon approval of the Executive Council a legislative proposal shall be communicated to the commissioners by the executive director.

Section 7. Adopting Rules and Regulations

(a) If any provision of *Commission Rules* is held invalid, all other rules shall remain valid and effective.

(b) Amendments to *Commission Rules* shall be promulgated under the Wyoming Administrative Procedure Act W.S. 16-3-101 through 16-3-115.

CHAPTER 8

IMPLEMENTING FUNCTIONS

Section 1. Authority.

Wyoming Statute ~~(21-18-202(c), (e), (f), (g), (h) and (i)).~~

Section 2. ~~Purpose~~ **Applicability.**

This chapter defines the Commission's implementing functions.

Section 3. Establishing Reasonable Data Submission Timelines.

(a) The Commission shall "establish reasonable deadlines for the submission of data. ~~requested by the Commission.~~" Timelines shall ~~be dependent upon~~ the complexity and the amount of data to be collected.

(b) The collection schedule of survey data for outcome indicators shall be established at the beginning of the year in which data are to be collected or shall be noted in the *Data Collection & Reporting Requirements Management Information System Handbook*.

(c) The procedure for collection of data elements from the ACS administrative computing system shall be stated in the *Data Collection & Reporting Requirements Management Information System Handbook*.

(d) The collection of information for ad hoc requests such as legislative data requests or those from national organizations shall follow the procedure approved by the Executive Council. ~~be forwarded from the Commission to the community colleges as expeditiously as possible.~~

Section 4. Assuring Uniform Accounting Practices.

(a) The community colleges ~~Commission and the districts~~ shall adhere to the NACUBO standards ~~accounting practices~~ and to the AICPA standards in accounting to insure uniform accounting of financial data.

(b) The fiscal operations of the ~~Commission and the~~ community colleges shall comply with the Uniform Municipal Fiscal Procedures Act. (W.S. 16-4-101 through 16-4-124).

(c) Where conflicts exist between the Uniform Municipal Fiscal Procedures Act and NACUBO practices, the Uniform Municipal Fiscal Procedures Act shall take precedence.

(d) The process by which the community colleges' annual budgets are established shall conform to the provisions of the Uniform Municipal Fiscal Procedures Act. ~~(W.S. 16-4-104 through 16-4-124)~~

~~(i) On or before May 15 of each fiscal year, each community college shall prepare a tentative budget for the following fiscal year for each fund and present it to its governing board. (W.S. 16-4-104(a)).~~

~~(ii) The budget formats for community colleges shall be uniform and approved by the Commission and the State Department of Audit. (W.S. 16-4-104(a)).~~

~~(iii) Public budget hearings are to be held on the third Wednesday of July. Public notice of the hearing must be given at least one week in advance. (W.S. 16-4-109).~~

~~(iv) Adoption by the governing board of a budget is to take place either on the day of or the day immediately following the public hearing. (W.S. 16-4-111(a)).~~

~~(v) Each district shall submit one copy of its adopted budget to the Commission and one copy to the Budget Division of the Department of Administration and Information on or before July 31 of each year. Each community college shall also provide a copy to its county commission.~~

Section 5. Withholding State Appropriations.

(a) The Commission ~~may shall~~ withhold up to five percent (5%) of state appropriations from any community college not in compliance with statute or the rules of the Commission pursuant to ~~(W.S. 21-18-202(f)(iii))~~.

(~~i~~b) Any appropriation amount withheld shall be subject to the following procedural requirements:

(~~A~~i) Community colleges not in compliance with the *Commission Rules* shall receive written notice of noncompliance at least sixty (60) days prior to the withholding of any amount of appropriation authorized by the legislature. The written notice shall identify the amounts to be withheld from quarterly funding distributions and the conditions required to resume or restore funding. Community colleges identified as noncompliant ~~in noncompliance~~ may request a hearing before the Commission under the provisions of Chapter 2, Section 10 of *Commission Rules*.

(~~B~~ii) Community colleges not in ~~non~~compliance with the *Commission Rules* may have withheld amounts restored, or future reductions eliminated, or both, by demonstrating certifying compliance.

(~~b~~e) Actions to withhold state appropriations from community colleges are subject to judicial review under the provisions of ~~(W.S. 16-3-114) and applicable rules of the Supreme Court.~~

Section 6. Advancing Legislative Proposals.

(a) Proposals for legislative action on behalf of the community colleges shall be submitted to the ~~E~~xecutive ~~D~~irector for inclusion on the agenda of the Executive Council to initiate collaborative discussion according to the WCCC Wyoming Community College Commission Policy on Consultation.

(b) Upon approval of the Executive Council a legislative proposal shall be communicated to the commissioners by the executive director.

~~(b) Upon completion of the consultative process, and with the recommendation of the executive director, legislative proposals shall be placed on the agenda of the Commission for consideration.~~

~~————(c) If approved by the Commission, legislative proposals shall be placed on the Commission's legislative agenda for the forthcoming legislative session.~~

Section 7. Adopting Rules and Regulations

(a) If any provision of *Commission Rules* is held invalid, all other ~~the rest of the~~ rules shall remain valid and effective.

(b) Amendments to *Commission Rules* shall be promulgated under the Wyoming Administrative Procedure Act. (W.S. 16-3-101 through 16-3-115).

CHAPTER 9
INFORMATION PRACTICES

Chapter 9 is being repealed.

CHAPTER 9

INFORMATION PRACTICES

~~Section 1. Authority. Executive Order of March 7, 1975. Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205). Wyoming Open Meetings Act (W.S. 16-4-401 through 16-4-407).~~

~~Section 2. Applicability. This chapter applies to the Commission and all community colleges.~~

~~Section 3. Public Records.~~

~~(a) The Commission and the community colleges shall comply with the Wyoming Public Records Act. Each community college shall promulgate rules concerning its compliance.~~

~~(b) Personnel files maintained by the Commission shall be made available only to the person of interest, his/her supervisor(s), or by court order.~~

~~(c) Any person of interest shall have the right to have the official custodian correct or amend any erroneous, inaccurate or misleading information which is contained in a public record relating to him/her by supplementing the record with additional corrective or amendatory material. No public records shall be physically altered, destroyed or removed except by order of the Commission.~~

~~(d) No commissioner or Commission staff employee shall release originals of public records from Commission files except by written order from the Commission or a court.~~

~~(e) For all public records for which the Commission is custodian, paper copies may be provided upon approved request at the rate of fifty cents (\$.50) per page for the first ten (10) pages, and fifteen cents (\$.15) per page for each additional page, with a one dollar (\$1.00) minimum charge. If certification of a document is requested, there shall be an additional charge of three dollars (\$3.00) per document. The official custodian shall require advance payment or other reasonable methods to insure payment of estimated charges before providing the records.~~

~~(f) The official custodian shall not release mailing lists unless approved by the Commission.~~

~~(g) All public records maintained by the Commission shall be stored and retained according to applicable time schedules and policies of the Commission and the Department of Administration & Information.~~

~~(h) All public records for which public inspection may be denied under the Wyoming Public Records Act shall be identified, stored and maintained by an appropriate means which indicates and preserves their confidentiality. An index sufficient to indicate their existence, general content, and confidential nature shall be maintained and be made available to the public.~~

~~(i) The official custodian annually shall inform the appropriate state office of any new public records maintained by the Commission for which inspection may be denied under the Wyoming Public Records Act. (W.S. 16-4-201 through 16-4-205).~~