



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised July 2019

1. General Information			
a. Agency/Board Name* Community College Commission, Wyoming (057)			
b. Agency/Board Address 2300 Capitol Ave., 5th Floor, Suite B		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Rob Dennis		f. Agency Liaison Telephone Number (307) 777-7068	
g. Agency Liaison Email Address Rob.Dennis@wyo.gov			
h. Date of Public Notice March 23, 2020		i. Comment Period End Date May 7, 2020	
j. Public Comment URL or Email Address: Email address/form - https://wccc.wy.edu/contact-us/			
k. Program General Agency, Board or Commission Rules			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment			
For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154); 2019 SEA 0078, Chapter 176 (Wyoming Works) & 2019 SEA 0080, Chapter 199 (Bachelors of Applied Science)			
3. Rule Type and Information			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 1	Chapter Name: Definitions	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number: 5	Chapter Name: Administrative Functions	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number: 6	Chapter Name: Approval Functions	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	

* If the name of a chapter of rules is changing, please provide the NEW chapter name in parenthesis following the OLD chapter name. Example: Old Chapter Name: General Provisions; New Chapter Name: General Provisions and Requirements. This would appear as "General Provisions (General Provisions and Requirements)."

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons 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: https://communitycolleges.wy.edu/

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 Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

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: _____

6. 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 attach a statement explaining the reason that the rules exceed the requirements.

b. The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate 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: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

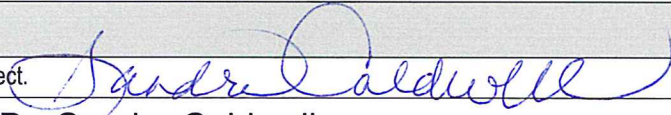
b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: 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 (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.



Printed Name of Authorized Individual

Dr. Sandra Caldwell

Title of Authorized Individual

Executive Director, Wyoming Community College Commission

Date of Authorization

3/16/2020

Wyoming Community College Commission

2300 Capitol Ave., 5th Floor, Suite B, Cheyenne WY 82002

Commissioners

Mr. Gregg Blikre, Gillette
Mr. Dennis Boal, Evanston
Ms. Katherine Dooley, Powell
Dr. Craig Frederick, Guernsey
Dr. Jackie Freeze, Rock Springs
Ms. Julia Newman, Torrington
Ms. Ember Oakley, Riverton



Ex-officio
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STATEMENT OF PRINCIPAL REASONS

RULES AND REGULATIONS

Submitted with Notice of Intent to Adopt Rules

Summary:

In the fall of 2019, the Commission amended its rules in response to 2019 Wyo. Sess. Laws 504-11, Wyoming Works Program implementation. Additionally, the commission did change the rules to conform to the legislative directive Wyo. Sess. Laws 589-92, Bachelors of Applied Science Programs (BAS), that allows Wyoming community colleges to offer Bachelor of Applied Science programs. The Commission unanimously proposed regular rules during its February 13, 2020, meeting. Emergency Rules are currently in place to implement both the Wyoming Works program and authorize Wyoming's community colleges to pursue adding BAS programs.

Chapter 1:

Additions to this chapter, because they were not previously existing, include clarification regarding the BAS degree, program length and technical focus. The curriculum of a BAS degree traditionally spans four years, encompasses a minimum of 120 credit hours, and includes an emphasis in advanced technical training and or professional management skills. Wyoming Works programmatic definitions have also been added to facilitate program administration, including non-credit programs, student enrollment, consortium agreements, satisfactory academic progress, and financial aid all in an effort to facilitate program administration by both the Commission and Wyoming's community colleges. Finally, the chapter includes a definition addition of "Capital Renewal". The term is included in statute, but not in the Commission's regular rules. Adding the term and definition in regular rules ensures alignment with statute.

Chapter 5:

Changes include an increase to the portion of variable cost funding that is subject to allocation based on approved metrics. Previously approved funding metrics had not clearly articulated the distribution of funding subject to recapture/redistribution. The rule additions clearly define a standardized process for funding distribution.

The Commission is adding new rules and protocols pertaining to Wyoming Works funding and grant administration. New rules detail student program application and admission, grant and financial aid eligibility, satisfactory academic progress criteria, and transference of academic credits. Additional rules are added specifying funding criterion matched with a grant request

procedure for the colleges to receive funding and provide credit and non-credit programs. The additions are needed with the formation of the new program.

Chapter 6:

Changes include the elimination of pilot programs and rewording of stackable certificate programs. Pilot programs are not entitled to Title IV funding, which required this change.

Additional new rules added to chapter 6 include a mechanism for the Commission to review and approve Wyoming Works and Bachelor of Applied Science degrees in alignment with institutional accreditation offered at the community colleges. The additional rules are needed to ensure programs have academic integrity, financial sustainability, and alignment with demonstrated workforce needs in Wyoming and the college's own service area.

CHAPTER 1

DEFINITIONS

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statutes 21-18-201 through 21-18-226 and 21-18-402.

Section 2. Definitions - Community College Commission.

(a) “Academic year” means a period of time that begins with the summer semester and ends with the spring semester in the following year. The year referred to is the calendar year in which the spring semester falls (AY19 means summer and fall semesters 2018 and spring semester 2019).

(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) “Administrative Computing System” (ACS) means the system that the Commission has purchased for the community colleges and itself, allowing for the following electronic processes to occur at each institution: student services, human resources, financial services, and data reporting.

(d) “Adult Education” (AE) 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 and high school equivalency.

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

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

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

(j) “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.

(k) “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.

(m) “Bachelor of Applied Science” (BAS) degree means a four year applied baccalaureate degree with an emphasis in advanced technical training and professional management skills.

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

(o) “Capital Construction” 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.

(p) “Capital Renewal” means component or infrastructure projects that are necessary for maintenance and continued functionality of academic buildings that are not capital construction and cannot be funded solely with major maintenance funds.

(q) “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.

(r) “CIP code” means the National Center for Education Statistics’ Classification of Instructional Programs.

(s) “Class” means a specific college course section which is identified by the time, place, faculty member, and/or modality of the college course offered for student enrollment.

(t) “Concurrent enrollment course” means a college course 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.

(u) “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.

(w) “Credit completion” means a credit hour, weighted by the applicable level of instruction, and earned with a grade of C or better, or more specifically, a grade of A, B, C, S or P. Credit hours with grades of D, F, U and W, as well as credit hours designated as incomplete are not considered completed credit hours. This definition of credit completion is consistent with the National Community College Benchmark Project’s definition of enrollee success.

(y) “Credit certificate” means recognition by the community college district that a student has completed a coherent list of academic or career technical education credit courses, which is less than the requirement for an associate degree.

(z) “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 student to requirements for a degree, diploma, or certificate.

(aa) “Credit hour” (consistent with current federal regulations) means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally-established equivalency that reasonably approximates not less than:

(i) One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(ii) At least an equivalent amount of work as required in (i) above for other activities as established by an institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

(bb) “Current annual weighted credit hours” means one-half of the current biennial weighted credit hours.

(cc) “Current biennial weighted credit hours” means the sum of the weighted credit hours for the two most recent academic years completed before preparation of the biennium budget request.

(dd) “Current period system-wide credit-hour revenue” means the quotient of dividing the variable costs portion of the system-wide annual base funding amount by the current annual system-wide weighted credit hours.

(ee) “Degree” means recognition by the community college district that a student has completed a defined academic or career technical education program of study.

(ff) “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.

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

(hh) “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.

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

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

(mm) “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.

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

(oo) “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.

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

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

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

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

(tt) “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.

(uu) “Level four class” means the same as the definition of “distance education class” found in W.S. 21-18-102(xvii). Level one, two and three classes are reassigned to level four by recognition of specific instructional modalities identified by schedule types in the administrative computing system.

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

(yy) “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.

(zz) “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.

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

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

(ccc) “One-year certificate” means a credit certificate that requires 24 or more semester credit hours to complete.

(ddd) “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).

(eee) “Persistence” means a student has enrolled for a subsequent term in any institution that leads to graduation.

(fff) “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.

(ggg) “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, or granting any non-credit title.

(hhh) “Program completion” means a degree, one-year certificate, transfer preparation certificate, short-term certificate, or special need certificate awarded to a student during an academic year. Certificates eligible to be counted as program completions shall be established by the Academic Affairs Council, and subordinate awards made by an institution to the same student in the same academic year shall not be counted as program completions. Degree completions shall have a weighting factor of 2.0. Eligible certificate completions of 24 credit hours or more shall have a weighting factor of 1.75. Eligible certificate completions of less than 24 hours shall have a weighting factor of 1.5.

(jjj) “Retention” means a student has enrolled for a subsequent term at the same institution as the previous term.

(kkk) “Short-term certificate” means a credit certificate that requires less than 24 semester credit hours to complete.

(mmm) “Special need certificate” means a credit certificate that prepares students needing either a unique skill set or the ability to serve a unique community need.

(nnn) “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.

(ooo) “Transfer preparation certificate” means a credit certificate comprised of 24 or more semester credit hours sanctioned to transfer as a block of courses to a specific higher education institution by an articulation agreement with a Wyoming community college.

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

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

(rrr) “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.”

(sss) “Unmet need” means the student’s total cost of attendance minus the expected 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.

(ttt) “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.

(uuu) “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 3. Definitions - Wyoming Investment in Nursing Program (WYIN).

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

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

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

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

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

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

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

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

(j) “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.

(k) “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.

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

Section 4. Definitions - Wyoming Teacher Shortage Loan Repayment Program (TSLRP).

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

Section 5. Definitions - Wyoming Adjunct Professor Loan Repayment Program (WAPLR).

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

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

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

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

Section 6. Definitions - High School Equivalency Certificate Program.

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

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

(c) “Certificate” means recognition by the HSEC program that a student has successfully completed an equivalency assessment instrument approved by the HSEC committee and the Commission.

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

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

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

Section 7. Definitions - Wyoming Works Program.

(a) “Academic term” as defined in W.S. 21-18-402, shall include “payment period” as having the same meaning as “term” and “semester.”

(b) “Academic year” means a period of time that begins with the summer semester and ends with the spring semester in the following year.

(c) “CFR” means the Code of Federal Regulations, and is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the federal government.

(d) “Consortium” as defined in W.S. 21-18-402, shall be established through contractual or written agreements, or memoranda of understanding.

(e) “Cost of attendance” as referenced in Chapter 5, Section 13 of these rules may be

denoted as “COA.”

(f) “Direct costs” means the enrollment expenses a student is responsible for paying directly to the community college, such as tuition and fees, mandatory fees, room and board, and books and supplies. Direct costs are included in the COA calculation.

(g) “EFC” means the Expected Family Contribution - the measure of a family’s financial strength calculated according to a formula established by federal law.

(h) “FAFSA” means the Free Application for Federal Student Aid. It is the student aid application provided for under section 483 of the HEA, which is used to determine an applicant's eligibility for federal student aid programs.

(j) “Gift aid” means federal, public or private financial assistance, such as grants and scholarships received by a student in conjunction with their enrollment in an approved program at a community college, and that do not need to be repaid. Gift aid excludes federal and private student loans, work-study, and all other types of student employment affiliated with enrollment in an approved program at a community college.

(k) “HEA” means the Higher Education Act, federal legislation passed in 1965 with amendments and reauthorizations subsequently passed, authorizing federal postsecondary student financial aid programs and mandating that the programs be regulated and administered by the U.S. Department of Education.

(m) “Indirect Costs” means the expenses a student incurs due to enrollment in a community college, as determined annually by the college in accordance with W.S. 21-18-404 (b), that are not paid to the community college. Indirect expenses are limited to travel and personal expenses, and are included in COA calculation.

(n) “Payment Period” means the academic period or period of enrollment established by an institution for which a student grant may be disbursed. Payments for all student grants under W.S. 21-18-401 through W.S. 21-18-409 must be made on a payment period basis.

(o) “SAP” means Satisfactory Academic Progress. SAP determinations are qualitative and/or quantitative evidence or markers that signify a student is completing requirements toward finishing an approved for-credit or non-credit program in a timely fashion.

CHAPTER 1

DEFINITIONS

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statutes 21-18-201 through 21-18-226 and 21-18-402.

~~**Section 2. Purpose.**~~

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

Section 32. Definitions - Community College Commission.

(a) “Academic year” means a period of time that begins with the summer semester and ends with the spring semester in the following year. The year referred to is the calendar year in which the spring semester falls (AY19 means summer and fall semesters 2018 and spring semester 2019).

(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) “Administrative Computing System” (ACS) means the system that the Commission has purchased for the community colleges and itself, allowing for the following electronic processes to occur at each institution: student services, human resources, financial services, and data reporting.

(d) “Adult Education” (AE) 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 and high school equivalency.

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

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

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

(j) “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.

(k) “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.

(m) “Bachelor of Applied Science” (BAS) degree means a four year applied baccalaureate degree with an emphasis in advanced technical training and professional management skills.

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

~~(oo)~~ “Capital Construction” 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.

(p) “Capital Renewal” means component or infrastructure projects that are necessary for maintenance and continued functionality of academic buildings that are not capital construction and cannot be funded solely with major maintenance funds.

(eq) “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.

(pr) “CIP code” means the National Center for Education Statistics’ Classification of Instructional Programs.

(qs) “Class” means a specific college course section which is identified by the time, place, faculty member, and/or modality of the college course offered for student enrollment.

(rt) “Concurrent enrollment course” means a college course 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.

(su) “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.

(tw) “Credit completion” means a credit hour, weighted by the applicable level of instruction, and earned with a grade of C or better, or more specifically, a grade of A, B, C, S or

P. Credit hours with grades of D, F, U and W, as well as credit hours designated as incomplete are not considered completed credit hours. This definition of credit completion is consistent with the National Community College Benchmark Project's definition of enrollee success.

(~~uy~~) "Credit certificate" means recognition by the community college district that a student has completed a coherent list of academic or career technical education credit courses, which is less than the requirement for an associate degree.

(~~wz~~) "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 student to requirements for a degree, diploma, or certificate.

(~~yaa~~) "Credit hour" (consistent with current federal regulations) means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally-established equivalency that reasonably approximates not less than:

(i) One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(ii) At least an equivalent amount of work as required in (i) above for other activities as established by an institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

(~~zbb~~) "Current annual weighted credit hours" means one-half of the current biennial weighted credit hours.

(~~aacc~~) "Current biennial weighted credit hours" means the sum of the weighted credit hours for the two most recent academic years completed before preparation of the biennium budget request.

(~~bdd~~) "Current period system-wide credit-hour revenue" means the quotient of dividing the variable costs portion of the system-wide annual base funding amount by the current annual system-wide weighted credit hours.

(~~ee~~) "Degree" means recognition by the community college district that a student has completed a defined academic or career technical education program of study.

(~~dff~~) "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.

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

(~~ff~~hh) “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.

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

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

(~~jj~~mm) “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.

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

(~~mm~~oo) “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.

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

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

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

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

(~~rr~~tt) “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.

(~~ss~~uu) “Level four class” means the same as the definition of “distance education class” found in W.S. 21-18-102(xvii). Level one, two and three classes are reassigned to level four by recognition of specific instructional modalities identified by schedule types in the administrative computing system.

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

~~(uuuyy)~~ “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.

~~(wwwzz)~~ “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.

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

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

~~(aaacc)~~ “One-year certificate” means a credit certificate that requires 24 or more semester credit hours to complete.

~~(bbddd)~~ “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).

~~(eeeeee)~~ “Persistence” means a student has enrolled for a subsequent term in any institution that leads to graduation.

~~(ddfff)~~ “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.

~~(eeegg)~~ “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, or granting any non-credit title.

~~(fffhh)~~ “Program completion” means a degree, one-year certificate, transfer preparation certificate, short-term certificate, or special need certificate awarded to a student during an academic year. Certificates eligible to be counted as program completions shall be established by the Academic Affairs Council, and subordinate awards made by an institution to the same student in the same academic year shall not be counted as program completions. Degree completions shall have a weighting factor of 2.0. Eligible certificate completions of 24 credit hours or more shall have a weighting factor of 1.75. Eligible certificate completions of less than 24 hours shall have a weighting factor of 1.5.

~~(gggjj)~~ “Retention” means a student has enrolled for a subsequent term at the same institution as the previous term.

(~~hhkkk~~) “Short-term certificate” means a credit certificate that requires less than 24 semester credit hours to complete.

(~~jjmmm~~) “Special need certificate” means a credit certificate that prepares students needing either a unique skill set or the ability to serve a unique community need.

(~~kkenn~~) “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.

(~~mmooo~~) “Transfer preparation certificate” means a credit certificate comprised of 24 or more semester credit hours sanctioned to transfer as a block of courses to a specific higher education institution by an articulation agreement with a Wyoming community college.

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

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

(~~pprrr~~) “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.”

(~~qqsss~~) “Unmet need” means the student’s total cost of attendance minus the expected 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.

(~~rrttt~~) “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.

(~~ssuuu~~) “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 43. Definitions - Wyoming Investment in Nursing Program (WYIN).

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

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

- (c) “BSN” means Baccalaureate of Science in Nursing.
- (d) “Certified Nurse Aide (CNA)” means a nurse aide, certified by the WY State Board of Nursing.
- (e) “Licensure examination” means the test required for the WY State Board of Nursing to grant an individual a license to practice nursing.
- (f) “Licensed Practical Nurse (LPN)” means a Practical Nurse who has completed a certificate program and passed the practical nurse licensure exam as required by the WY State Board of Nursing.
- (g) “Nursing program” means a series of courses leading to an LPN certificate or an ADN degree provided through a Wyoming community college; or a BSN degree or a Master’s degree provided through the University of Wyoming; or, in the case of a candidate for a doctoral degree, provided through an institution offering the required nursing education courses under contract with the WICHE, or in a distance nursing education program provided through a university that is regionally accredited.
- (h) “Practical Nurse” (PN) means a nurse who has completed a certificate program.
- (j) “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.
- (k) “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.
- (m) “Unencumbered license” means a permit to practice nursing without restrictions imposed by the WY State Board of Nursing.

Section 54. Definitions - Wyoming Teacher Shortage Loan Repayment Program (TSLRP).

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

Section 65. Definitions - Wyoming Adjunct Professor Loan Repayment Program (WAPLR).

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

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

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

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

Section 76. Definitions - High School Equivalency Certificate Program.

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

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

(c) “Certificate” means recognition by the HSEC program that a student has successfully completed an equivalency assessment instrument approved by the HSEC committee and the Commission.

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

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

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

Section 7. Definitions - Wyoming Works Program.

(a) “Academic term” as defined in W.S. 21-18-402, shall include “payment period” as having the same meaning as “term” and “semester.”

(b) “Academic year” means a period of time that begins with the summer semester and ends with the spring semester in the following year.

(c) “CFR” means the Code of Federal Regulations, and is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the federal government.

(d) "Consortium" as defined in W.S. 21-18-402, shall be established through contractual or written agreements, or memoranda of understanding.

(e) "Cost of attendance" as referenced in Chapter 5, Section 13 of these rules may be denoted as "COA."

(f) "Direct costs" means the enrollment expenses a student is responsible for paying directly to the community college, such as tuition and fees, mandatory fees, room and board, and books and supplies. Direct costs are included in the COA calculation.

(g) "EFC" means the Expected Family Contribution - the measure of a family's financial strength calculated according to a formula established by federal law.

(h) "FAFSA" means the Free Application for Federal Student Aid. It is the student aid application provided for under section 483 of the HEA, which is used to determine an applicant's eligibility for federal student aid programs.

(j) "Gift aid" means federal, public or private financial assistance, such as grants and scholarships received by a student in conjunction with their enrollment in an approved program at a community college, and that do not need to be repaid. Gift aid excludes federal and private student loans, work-study, and all other types of student employment affiliated with enrollment in an approved program at a community college.

(k) "HEA" means the Higher Education Act, federal legislation passed in 1965 with amendments and reauthorizations subsequently passed, authorizing federal postsecondary student financial aid programs and mandating that the programs be regulated and administered by the U.S. Department of Education.

(m) "Indirect Costs" means the expenses a student incurs due to enrollment in a community college, as determined annually by the college in accordance with W.S. 21-18-404 (b), that are not paid to the community college. Indirect expenses are limited to travel and personal expenses, and are included in COA calculation.

(n) "Payment Period" means the academic period or period of enrollment established by an institution for which a student grant may be disbursed. Payments for all student grants under W.S. 21-18-401 through W.S. 21-18-409 must be made on a payment period basis.

(o) "SAP" means Satisfactory Academic Progress. SAP determinations are qualitative and/or quantitative evidence or markers that signify a student is completing requirements toward finishing an approved for-credit or non-credit program in a timely fashion.

CHAPTER 5

ADMINISTRATIVE FUNCTIONS

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 21-18-202(c), (d) and (h), 21-18-203(a), 21-18-205(b), (c) and (e), 21-18-225, 21-18-226, and 21-18-403 through 21-18-406.

Section 2. 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 2019 and fiscal-year 2020 funding shall be the sum of:

(A) The 2017-2018 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 increased retirement contributions (unless appropriated separately by the legislature); and

(II) Recapture and redistribution of state aid as calculated in July 2017.

(B) Proportional allocation of the 2017-2018 biennial budget appropriation for enrollment growth funding using Chapter 5, Section 3(a)(i)(A) as the basis.

(C) Any adjustments to base made by the Budget Division of the Department of Administration and Information.

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

(I) Actual 4-mill revenue for fiscal-year 2017, and 99 percent of 4-mill revenue calculated against the 2017 certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2017; and

(III) Two times the amount of actual other revenue for fiscal-year 2017.

(ii) For each community college, the sum of the adjusted 2017-2018 biennial budget appropriation for state aid, the proportionally allocated 2017-2018 biennial budget

appropriation for enrollment growth funding, 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 permanent full-time administrative staff.

(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 permanent full-time administrative staff. 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) For each community college, the current biennial weighted credit hours shall be the sum of the following:

- (A) Academic years 2016 and 2017 Level One credit hours multiplied by a factor of 1.0;
- (B) Academic years 2016 and 2017 Level Two credit hours multiplied by a factor of 1.25;
- (C) Academic years 2016 and 2017 Level Three credit hours multiplied by a factor of 1.5; and
- (D) Academic years 2016 and 2017 Level Four credit hours multiplied by a factor of 0.8.

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

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

(vii) For each community college, a successfully completed, weighted credit hour volume shall be calculated for each academic-year, beginning with academic-year 2015.

(A) Each year upon verification of the most recent successfully completed, weighted credit hour volumes, the college-specific percentages of the system-wide successfully completed, weighted credit hour volume shall be calculated.

(viii) For each community college, a program completion volume shall be calculated for each academic-year, beginning with academic-year 2016.

(A) Each year upon verification of the most recent program completion volumes, the college-specific percentages of the system-wide program completion volume shall be calculated.

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

(A) Multiplying the current annual, college-specific weighted credit hours by the current period system-wide credit-hour revenue, and then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue

(I) For fiscal-year 2019, 40 percent of this variable cost state funding shall not be subject to recapture/redistribution, and each community college's allocation of this 40 percent, divided equally into two parts of 20 percent each, shall be calculated as follows:

(1.) Multiplying the community college's proportionate share of system-wide successfully completed, weighted credit hours for academic-year 2017 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 20 percent.

(2.) Multiplying the community college's proportionate share of system-wide program completions for academic-year 2017 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 20 percent.

(II) For fiscal-year 2020, 50 percent of this variable cost state funding shall not be subject to recapture/redistribution, and each community college's allocation of this 50 percent, divided equally into two parts of 25 percent each, shall be calculated as follows:

(1.) Multiplying the community college's proportionate share of system-wide successfully completed, weighted credit hours for academic-year 2018 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 25 percent.

(2.) Multiplying the community college's proportionate share of system-wide program completions for academic-year 2018 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 25 percent.

(x) For both fiscal-year 2019 and fiscal-year 2020, college-specific fixed cost state funding shall be calculated by multiplying the fixed cost portion of the college-specific annual base funding by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xi) Amounts calculated under the funding allocation model which are greater than or less than the system-wide adjusted 2019-2020 biennial budget appropriation shall be distributed proportionately based on variable cost state funding for current annual weighted credit hours.

(xii) For any given fiscal-year, 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 and/or supplemental 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 and/or supplemental 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 and/or supplemental budget submission.

(xiii) For fiscal-year 2019 and fiscal-year 2020, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in July or August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2017-2018 biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2019-2020 biennial budget request.

(xiv) A spreadsheet depicting the operation of the funding allocation model for 2019-2020 shall be included in the *Fiscal Handbook*.

(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 July or August of each year shall be distributed to the community 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 Budget Division of the Department of Administration and Information shall calculate the system-wide 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) Appropriations for increased retirement contribution benefits, to be used for reimbursement of the community colleges' share of increased contributions, beginning 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.

(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 3. 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 in accordance with Wyoming Statute 21-18-102 and 21-18-203, and utilize 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 may 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 Wyoming Statute 21-18-102 and 21-18-203, and also in Section 2 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 by Wyoming Statute 21-18-102 and 21-18-203, 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 performance metrics.

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

(I) 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.

(II) 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.

(III) 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.

(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 4. 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 biennial 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 5. Establishing and Promoting Statewide Priorities.

(a) 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 6. Administering Loan Repayment Programs.

(a) This Section is promulgated under authority of W.S. 21-18-202 and W.S. 9-2-123 for the Wyoming Investment in Nursing program, W.S. 21-7-601 for the Teacher Shortage Loan Repayment program, and W.S. 21-7-701 for the Wyoming Adjunct Professor Loan Repayment program, as amended.

(i) 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 or nurse education and to alleviate a shortage of nurses within the state.

(ii) 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.

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

(b) Sections (c) through (g) apply to all loan repayment programs except as otherwise noted. Section (h) applies to the WYIN and TSLR programs except as otherwise noted, and section (i) applies to the WAPLR program.

(c) 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.

(d) Loan Terms

(i) Loan origination fees shall be established by the Commission and deducted from the first disbursement of funds for payment to the contracted financial institution.

(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.

(e) 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 WYIN program or the TSLR program if the student begins the graduate program while still paying the WYIN or TSLR loan by cash or employment; or

(C) The length of the undergraduate program for a WYIN or TSLR 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) for WYIN and TSLR loans and section (j)(v) for WAPLR loans.

(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.

(f) Process for Cash Repayment. The process and schedule for cash repayment under (h)(v) for WYIN and TSLR loans and section (j)(v) for WAPLR loans 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.

(g) 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.

(h) WYIN and TSLR programs.

(i) Funding:

(A) Funding for a WYIN student in an undergraduate nursing program at a Wyoming community college or the University of Wyoming will be for a maximum of four semesters between any combination of institutions.

(B) Funding for a WYIN student in a graduate nursing or nurse educator program at the University of Wyoming or at an institution approved by the Commission will be for a maximum of the equivalent of 60 graduate-level credit hours.

(C) Funding for a TSLR student 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.

(ii) Application Form. To be eligible to participate in either of these programs, a student shall submit an application to the Commission or its designee upon a form approved by the Commission according to the deadlines determined by each participating educational institution.

(iii) Selection Process

(A) The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community colleges to administer these programs subject to the following:

(I) Subject to the Commission's approval, nurses pursuing a graduate degree may apply to the University of Wyoming, in which case Section (II) below shall apply. All others shall make application for loan funds to the Commission's designated financial institution. The designated financial institution, acting in the same capacity as an institution financial aid officer, shall apply the same rules as those listed below, except the designated financial institution will not be given an allocation of WYIN funds, rather applicants will be funded on a per applicant basis by the Commission.

(II) 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;

(1.) Nurses with an unencumbered BSN degree in nursing may apply for a loan to pursue a MSN degree in nursing or nurse education, and a nurse with a MSN degree in nursing or nurse education may apply for a loan to pursue a PhD in nursing or nurse education.

(III) 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;

(1.) When determining the amount of a loan in either program for which an applicant may be eligible, the unmet need of the applicant shall be considered.

(IV) The funds appropriated by the legislature will be allocated by the Commission to the University of Wyoming and Wyoming's community colleges for students in these programs.

(V) The financial aid officers shall report to the Commission and the designated financial institution responsible for servicing the loans, the names of all students enrolled in the WYIN and TSLR programs 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.

(iv) 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) WYIN program:

(I) Date of appropriate certification or licensure examination;

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

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

(B) TSLR program:

(I) 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

(II) 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 percent of the working hours.

(v) Terms of Repayment

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

(B) Qualified work shall be verified annually 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 follows:

(I) As a nurse, if the WYIN loan was for an undergraduate nursing degree, or nurse educator, if the loan was for a graduate nursing degree.

(II) As a certified teacher in any qualified area of study as designated by W.S. 21-7-601 for a TSLR loan.

(C) Subject to the cash repayment provision as detailed in W.S. 9-2-123 for a WYIN loan and W.S. 21-7-601 for a TSLR loan, the loan is repayable in equal or graduated period 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) WAPLR program:

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

(A) The agreement form shall include:

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

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

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

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

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

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

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

(ii) Submission to the Commission:

(A) The post-secondary institution shall submit the nomination(s) to the Commission no later than the second Friday of March or the third Friday in October of the school year in which the educational program is planned.

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

(iii) Selection Process:

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

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

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

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

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

(B) The Commission shall notify successful applicants no later than the third Friday of April or the third Friday in November of the school year in which the educational program is planned, and shall specify the terms and conditions of the loan.

(iv) Payment Process:

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

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

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

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

(II) If an applicant fails to meet the standard established in (1.) of this section, the applicant will begin cash repayment as described in (d)(v) of this section.

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

(v) Terms of Repayment

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

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

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

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

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

Section 7. 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, if authorized, 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 and fees, if authorized, 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.

(j) 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 8. Administering the High School Equivalency Certificate Program.

(a) This section is promulgated under authority of Laws 2013 ch. 25 and W.S. 21-16-1308(b)(iv)(C).

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

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

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

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

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

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

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

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

(I) Final committee decisions concerning approval or rejection of proposed instruments or pathways shall be via an official vote recorded by electronic mail and promulgated by a summary posting on the Commission website HSEC webpage. The Commission shall consider the actions of the committee at their next regularly scheduled meeting and may override all other approvals or rejections for a proposed instrument or pathway. Appeals shall be handled in accordance with the Wyoming Community College Commission Chapter 2 rules.

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

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

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

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

(A) Score a 17 on the ACT or a 12 on the WorkKeys test and a minimum standard score of 157 on the GED® 2014 series test, or a score of 12 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway provisional opportunity scholarship;

(B) Score a 19 on the ACT and a minimum standard score of 157 on the GED® 2014 series test, or a score of 12 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway opportunity scholarship;

(C) Score a 21 on the ACT and a minimum standard score of 164 on the GED® 2014 series test, or a score of 14 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway performance scholarship; or

(D) Score a 25 on the ACT and a minimum standard score of 170 on the GED® 2014 series test, or a score of 16 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway honor scholarship.

(ii) Minimum standard scores from all approved instruments shall represent the same proficiency skills as those represented by the scores listed above and shall be available on the HSEC webpage, Hathaway Scholarships section.

(iii) Application for a Hathaway scholarship in conjunction with a HSEC certificate must be initiated within two years of natural graduation date, but not prior to that date, except for instances specifically allowed by the Wyoming Department of Education. The applicant must have received the HSEC while residing in Wyoming, and must have attended a Wyoming high school.

Section 9. Major Maintenance Funding and Distribution.

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

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

(b) Once funding is appropriated, and to the extent funds are available, the distribution shall take place in accordance with rules and regulations promulgated by the State Construction Department.

Section 10. 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 State Construction Department.

(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 June 1 of every year, the colleges shall be authorized to submit for funding consideration capital construction projects. Each submission must be supported by a Level I study, 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 June 1 of each year, Commission staff shall forward the prioritized list, supported by Level I design documents, to the State Construction Department in accordance with W.S. 21-18-225(g).

(ii) An informational report will be created related to the prioritized list given to the State Construction Department, and will be provided to the commissioners at their summer meeting.

(e) Community colleges may submit requests for authorization to construct without state funding, as provided for in W.S. 21-18-202(d)(v). Such requests shall be sent to Commission staff no later than 30 days prior to any scheduled commission meeting for consideration at that meeting. Commission-authorized projects of \$1.5 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 11. State Authorization Reciprocity Agreements (SARA)

(a) In accordance with W.S. 21-18-226, accredited institutions of higher education with a physical presence in Wyoming may apply for membership in SARA, as administered by our regional compact (WICHE), by making application to the Commission (portal agency) using the form provided by the National Council for State Authorization Reciprocity Agreements (NC-SARA).

(b) Applicant institutions shall comply with the provisions of the Council of Regional Accrediting Commissions (C-RAC) guidelines, and more specifically, its inter-regional guidelines

for the evaluation of distance education programs (online learning) for best practices in postsecondary distance education developed by leading practitioners of distance education.

(c) Each applicant institution shall provide the portal agency and all students enrolled in courses under SARA provisions, its written complaint resolution policies and procedures, including assurances it will comply with the consumer protection standards, as described below:

(i) Initial responsibility for the investigation and resolution of complaints resides with the institution against which the complaint was made.

(A) Complaints against an institution operating under SARA shall first be processed through the institution's own procedures for resolution of grievances.

(B) Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and laws of the SARA institution's home state.

(C) If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed within two years of the incident about which the complaint is made, by requesting in writing, a review by the portal agency. The resolution of the complaint by the portal agency with consultation with the Attorney General shall be final, except for complaints that fall under the provisions of (g) below.

(D) NC-SARA will develop policies and procedures for reporting the number and disposition of complaints that are not resolved at the institution level. Since appeals of decisions made at the institution level are made to the portal agency, these data will be used to report to NC-SARA.

(d) Eligible institutions may make initial application to the portal agency. If approved, the portal agency will notify NC-SARA of the acceptance. NC-SARA will then contact the institution regarding payment of fees, which are based on annual FTE as reported to IPEDS for the previous year. Contingent upon the satisfactory review of eligibility by the portal agency, institutions will pay annual renewal fees directly to NC-SARA. Failure to pay renewal fees shall result in a loss of eligibility to participate in SARA.

(e) Annually, at the time of renewal, the portal agency shall review institutional eligibility and notify WICHE of its findings. Any institution that is disqualified from participating in SARA, either during its annual review or when circumstances dictate, shall not receive a refund if eligibility is revoked partway through an annual period.

(f) Programs Leading to Licensure - Any institution operating under SARA that offers courses or programs potentially leading to professional licensure must keep all students, applicants, and potential students who have contacted the institution about the course or program informed as to whether such offerings actually meet state licensing requirements. This must be done in one of two ways:

(i) The institution may determine whether the course or program meets the requirements for professional licensure in the state where the applicant or student resides, and provide that information in writing to the student; or

(ii) The institution may notify the applicant or student in writing that the institution cannot confirm whether a course or program meets the requirements for professional licensure in the student's state, provide the student with the current contact information for any applicable licensing boards, and advise the student to determine whether the program meets requirements for licensure in the state where the student lives.

(A) Failure to provide proper notice in one of these two ways invalidates the SARA eligibility of any course or program offered without the proper notice.

(B) SARA covers class field trips across state lines among member states, but does not cover full-scale residency programs such as a summer session at a field station.

(C) Short Courses and Seminars – Physical presence under SARA is not triggered if the instruction provided for a short course or seminar takes no more than 20 classroom hours. Class meetings during a full-term course do not trigger physical presence if the instructor and students physically meet together for no more than two meetings, totaling less than six hours. Apparent abuses of these provisions may be brought to the attention of the home state portal agency.

(D) Third Party Providers – Contracts between a third-party provider of educational services and any SARA office or state must be made via the degree-granting institution that operates under SARA. A third-party provider may not represent an institution regarding any subject under SARA operating policies to any SARA office or any state operating under SARA. The institution that transcribes a course is considered the degree-granting institution for purposes of this section.

(g) Data Submission Requirements – Participating institutions shall annually submit the following data to NC-SARA using the protocols established by NC-SARA:

(i) The number of students enrolled in the institution via distance education delivered outside the state, reported by state, territory or district in which the students reside.

(ii) A list of programs a student may complete without on-campus attendance using the US DoE definition of a distance education program.

(h) The institution shall have a plan that assures a student will receive services for which they have paid or reasonable financial compensation for those not received in the event of an unanticipated closure of the institution. Such assurances may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.

(j) Participating institutions shall make available their disaster recovery plans, particularly with respect to the protection of student records, to the portal agency, WICHE or NC-SARA upon request.

Section 12. Administering the Wyoming Works Program.

(a) Allocation and reconciliation of academic-year student grant funding amounts.

(i) The allocation of academic-year student grant funding amounts shall be based on each community college service area proportionate share of the state's population aged 18 to 64 years. Albany County's population shall be reduced by the number of University of Wyoming undergraduate students claiming residency in any of the other 22 counties.

(A) Before each academic-year, the Commission shall obtain the following information:

(I) From the Economic Analysis Division of the Wyoming Department of Administration and Information, county-specific population counts for individuals aged 18 to 64 years. These population counts shall reflect the calendar-year two years before the allocation.

(II) From the University of Wyoming, undergraduate counts for students claiming residency in any Wyoming county other than Albany.

(B) Each college's proportionate share of the state's adjusted population aged 18 to 64 years shall be multiplied by the academic-year student grant funding amount up to two million dollars (\$2,000,000). The product of this calculation is each college's allocation of the academic-year student grant funding amount.

(ii) The Commission shall reimburse each college following each semester's certification to the Commission's Executive Director, up to the maximum amount each college is allocated per academic year.

(b) Notice of Availability. Each college shall develop means for informing potential and current students of the availability of the grants under this article. Published grant information must be readily available in an electronic or paper form, and shall include:

- (i) A summary of approved programs at that institution;
- (ii) A summary of student eligibility requirements;
- (iii) A summary of student application procedures; and
- (iv) A summary of award amounts.

(v) Items (i) through (iv) need not be listed in their entirety in all communications, but must be readily available to all interested parties.

(c) Student Application.

(i) School responsibilities for student grant application:

(A) Each college shall make available to all prospective and current students an application for student grants applicable to approved programs covered under Wyoming Works.

(B) The application shall be presented to students at the time of applying for admission and made available to all students within the registrar's or financial aid offices before beginning the applicable approved program.

(C) The application may be presented to students in electronic or paper format and shall include, at a minimum:

(I) An explanation of purpose for student grants available under Wyoming Works statutes;

(II) Disclosure of:

a. All student eligibility requirements for grant consideration and receipt;

b. All approved programs eligible for student grants at that institution;

c. A summary of award calculation and maximum annual grant eligibility;

d. A summary of proration for approved programs under consortium agreement;

e. An acknowledgement that a student may transfer from one approved program to another while maintaining continuous enrollment at the college, or transfer to another Wyoming community college and enroll in an approved program at the transfer institution immediately after transfer;

f. A notice that annual grant availability (for approved programs that span more than one year) is subject to the Wyoming legislature's appropriation process, and is contingent on the Commission issuing a grant allocation for approved programs at the college;

(III) A student's information section that records a student's identifying information, approved program enrollment intent, and anticipated program start date;

(IV) A student's attestation checklist to record acknowledgement of all student grant eligibility requirements;

(V) A student's authorization for the college to collect and share, at a minimum, the student's personally identifying information, collected through the college's admissions or state grant application, the FAFSA, or other method, enrollment information, and all other information necessary to determine their eligibility for a student grant (including past receipt of student grants or other state financial aid receipts) with other Wyoming community colleges and the Commission;

(VI) A student's compliance certification and signature.

(D) Electronic or paper application formats shall be developed by each respective college.

(ii) Student responsibilities for student grant application:

(A) A prospective student shall apply for grants under this section with the college at the time of applying for admission or in any event before beginning the applicable approved program at the college.

(B) An existing student at the community college shall apply for grants under this section with the college's financial aid office before beginning the applicable approved program at the college.

(C) For approved programs offered under a consortium agreement:

(I) A prospective student shall apply for grants under this section with the college, at the time of applying for admission to the college or in any event before the beginning of the applicable approved program, at all locations covered under the consortium agreement.

(II) An existing student at the community college shall apply for grants under this section with the college's financial aid office before the beginning of the applicable approved program, at all locations covered under the consortium agreement.

(e) Student Eligibility

(i) The community college's financial aid office shall determine the student's initial and continued grant eligibility.

(ii) In addition to those requirements in W.S. 21-18-403, to be initially eligible, a student must:

(A) File, and fully complete, a FAFSA (and change of EGC/income form, if necessary) applicable to all payment periods for which a student grant is considered, including complying with all financial aid office directives to provide data, documents and information needed to complete any data authenticity review necessary to generate a valid EFC. Any unresolved data authenticity review necessary to generate a valid EFC shall render the student ineligible for student grant receipt for all applicable payment periods spanned by the FAFSA. For approved programs offered under a consortium agreement between two colleges, the student shall submit a FAFSA, applicable to all payment period(s) for which a student grant is considered, to the financial aid office in all locations listed under the consortium agreement.

(I) The student shall comply with any and all financial aid office directives, from any and all locations listed under the consortium agreement, to provide data, documents, and information needed to complete any data authenticity review necessary to generate a valid EFC.

(II) Any unresolved data authenticity review necessary to generate a valid EFC at any or all locations listed under the Consortium Agreement shall render the student ineligible for student grant receipt for all applicable payment periods spanned by the FAFSA at all locations listed under the consortium agreement;

(B) Not be currently receiving (or expected to receive in any payment period within the length of the approved program) a scholarship under the Hathaway scholarship program established in W.S. 21-16-1301 through 21-16-1311;

(C) Have requested transference of academic transcript and grant usage, if transferring from an approved program at one college to another approved program at a different college, before beginning the approved program at the receiving college; and

(D) Have earned a high school/home school diploma or state equivalency, if admittance into an approved program requires it, and the college provides the student assistance in achieving the diploma or equivalency certificate.

(iii) To maintain continued eligibility for a grant in an approved program more than one semester in length, a student must:

(A) Have maintained continuous enrollment in the approved program;

(B) Have not exceeded the maximum grant amount allowable for the approved program in which the student is enrolled in any one (1) academic year; and

(C) Have not received a Wyoming Works grant for more than three (3) academic years. A student's eligibility for a grant shall permanently terminate once the student has received three (3) academic years of grant disbursement as calculated by the financial aid office for the student's enrollment in an approved program.

(f) Student Awarding and Disbursement.

(i) The financial aid office at each community college that offers an approved program, in whole or in part under a Consortium Agreement, shall determine the eligibility for a student grant for all students who apply for grant consideration. Student grant funds under this article shall be provided for unmet financial need and only after all other gift aid for the student's enrollment in the credential program has been applied. As a student grant recipient may elect to reserve any portion of their annual award for attendance at a subsequent summer school term, which increases the number of disbursements made within an academic year but does not exceed the aggregate amount of grant for which the student is eligible.

(ii) To determine unmet financial need, each college shall calculate an applicant's COA for the approved program in which the student is enrolled, then deduct the student's EFC and all other gift aid expected to be received by the student for the payment period(s) to which a Wyoming Works student grant applies.

(iii) Award calculations shall be subject to the following:

(A) All proration calculations must be rounded up to two (2) decimal places.

(B) One-half (1/2) of the annual award shall be provided to the student at each fall and spring academic term of qualification unless the credential program or course is for a defined period of less than a full semester or the student elects to reserve any portion of the annual award for attendance at a subsequent summer school term. The financial aid office shall disburse student grants according to these assignment rules:

(I) If an approved program falls between two semesters, but does not cross into either, assign the student grant to a single disbursement within the preceding semester;

(II) If an approved program is contained within a single semester, assign the student grant to a single disbursement within that semester;

(III) If an approved program crosses over two semesters but does not fully span one or both, divide the student grant equally and assign each half to a single disbursement within each semester; and,

(IV) If an approved program fully spans two semesters, divide the student grant equally and assign each half to a single disbursement within each semester.

(C) Colleges shall calculate student eligibility for student grants in all approved programs using standardized award calculations endorsed by all financial aid directors and outlined in Wyoming Works Program policies maintained by the Commission.

(iv) Each community college shall devise processes to confirm a student's continued eligibility for subsequent grant disbursement(s).

(v) Students who graduate from, or otherwise complete, an approved program may be eligible to receive grants if enrolled in a subsequent approved program, as long as:

(A) The student is not reenrolled in, or otherwise re-attempting, the previously completed program;

(B) The student continues to meet all eligibility requirements; and

(C) The college has remaining funds to expend under its annual grant allocation for the approved program in which the student is enrolled.

(g) Repeated Courses/Content. A student required to repeat coursework or program content within an approved program due to failure, withdrawal, or lapse in enrollment may receive additional student grants for future payment periods in future semesters of enrollment for the repeated coursework or program content provided the student has had their eligibility restored as detailed within Section 12(m) of these rules and otherwise remains eligible for a student grant as detailed in Section 12(e) of these rules.

(h) Student Award Confirmation and Data Submission.

(i) The college shall provide to the financial aid office:

(A) An academic calendar that contains the start and end dates within an academic year for all approved for-credit programs; and,

(B) An academic calendar that contains the start/end dates and program lengths within an academic year, and the direct costs, for all approved non-credit programs.

(ii) A student is provisionally eligible until confirmation of student eligibility by the financial aid office.

(iii) The financial aid office shall determine a student's final eligibility based on confirmation of student eligibility in conjunction with the final computation for unmet financial need for students eligible to receive a grant, consistent with each college's schedule for determining actual COA for students at that college.

(j) Grades or Other Measures of Student Academic Performance

(i) For approved for-credit programs that contain graded material or courses, no person shall change, revise, delete, erase, destroy, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving a Wyoming Works student grant or continuing Wyoming Works student grant eligibility.

(ii) For approved non-credit programs that contain student attendance, participation, completion, or other academic performance measurements, no person shall change,

revise, delete, erase, destroy, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving a Wyoming Works student grant or continuing Wyoming Works student grant eligibility.

(k) Transferring Students

(i) Students transferring from one college to another may maintain Wyoming Works student grant awards for continued use in an approved program by meeting all student eligibility requirements at the new college, and by requesting that the college from which they are transferring provide an official transcript to the new college. The transcript or an attachment to the transcript shall include:

(A) A list of all semesters for which the student received a Wyoming Works student grant;

(B) Grades for all for-credit academic courses completed within an approved program;

(C) Completions or attempts of all non-credit programs designated as Wyoming Works, which are needed for verification of continued eligibility for grants and SAP for the college that the student is transferring to; and

(D) SAP calculations performed by the financial aid office for all payment periods in all approved programs in which the student received a grant.

(ii) The receiving institution shall calculate a student's eligibility using the criteria detailed in Section 13(e) of these rules; and,

(iii) Transferring students may not receive a student grant if the receiving college has depleted its allocation of grant funds at the time of student transfer.

(m) Satisfactory Academic Progress.

(i) Each community college shall determine qualitative and quantitative measurements to evaluate a student's timely academic progress within each approved program. For non-credit programs, the college must develop appropriate criteria to measure a student's timely academic progress and appropriate academic performance.

(ii) Each student enrolled in an approved program must achieve SAP by the end of each payment period to remain eligible for a student grant in future payment periods.

(iii) Each approved program's SAP criteria shall be disclosed. Disclosure may be passive or may be distributed to each student grant recipient at the time of award.

(iv) SAP shall be calculated at the conclusion of each payment period within the approved program in which the student is enrolled.

(v) Students who fail do not meet SAP requirements after any payment period forfeit eligibility for grant awards and disbursements, except as provided for in these rules.

(vi) Students who forfeit grant eligibility may regain eligibility as detailed in this Section.

(vii) A student's SAP status for grant eligibility shall be persistent if the student transfers to a different approved program within the college or to any approved program offered at college.

(viii) Approved programs offered through a Consortium agreement must contain criteria for SAP.

(A) The community college within a Consortium agreement that provides the greatest proportion of approved program content shall determine SAP criteria.

(B) Under a Consortium agreement which requires that program content shall be shared equally, the participating colleges shall collaborate to establish the program's SAP criteria, but shall evaluate a student's SAP status independently at the end of each payment period for their respective portions of the program.

(C) Consortium agreements between a college and an entity other than a college shall require the college determine the SAP criteria.

(D) Students who do not meet SAP requirements at one or more college covered under a Consortium agreement, shall remain ineligible, except as provided for in these rules, for future grant awards and disbursements at all colleges covered under the Consortium agreement.

(n) Student Appeal of Ineligibility Decisions

(i) Each community college or consortium shall implement an appeal process that permits an applicant to appeal a grant ineligibility determination for select eligibility criteria. Student appeals are permitted for:

(A) Not applying for grant funding at the time of applying for admission or before the commencement of the applicable credential program;

(B) Not maintaining continuous enrollment in approved program;

(C) Not meeting SAP requirements as required for the credential;

(D) Not meeting Wyoming residence requirements; and,

(E) Not being in good standing on repayment of student financial aid.

(ii) The student shall appeal prior to the start of the next period of enrollment in the approved program, and:

(A) Students appealing eligibility at a college for an approved credential program shall follow the college appeal process.

(B) Students appealing eligibility at a college for an approved credential program in a consortium shall follow the HEA appeal process.

(p) Reinstatement of Student Grant Eligibility for student eligibility lost due to not meeting SAP requirements. Community colleges or Consortiums may permit a student, who has forfeited eligibility to reestablish eligibility for a student grant in a future payment period.

(i) Approved programs of one term or less in length shall not permit a student to restore eligibility.

(ii) For approved programs offered at a college that permit a student to reestablish eligibility, the student shall meet college restorative criteria:

(A) Each college may determine different criteria for a student to reestablish eligibility for each approved program offered, and not all approved programs must offer criteria for a student to reestablish eligibility.

(B) Each college shall publish and otherwise make available to students who receive a student grant, any and all restorative criteria determined for their approved programs. Neither paying for one's classes or non-enrollment for a payment period is sufficient to reestablish grant eligibility.

(C) If an ineligible student transfers to another college for an approved program, eligibility shall not be automatically restored and the student must regain eligibility according to any restorative criteria established by the college applicable to the transferred program or as detailed in Section 13 (m) of these rules.

(iii) For approved programs offered through a Consortium agreement that permit a student to reestablish eligibility, the student shall meet restorative criteria as outlined in these rules.

(A) The college within a Consortium agreement which provides the greatest proportion of approved program content shall specify the restorative criteria.

(B) Approved programs within a Consortium agreement whereby the course content is delivered equally, colleges shall collaborate to specify the restorative criteria for the equally distributed portions of the approved program, but shall evaluate the student's accomplishments in their respective restorative criteria independently.

(C) Consortium agreements between a college and any entity other than a Wyoming community college shall have the college specify the restorative criteria.

(D) Students who do not achieve all restorative criteria requirements at one or more consortia members covered under a Consortium agreement shall be considered to have not regained eligibility, and shall remain ineligible for future grant awards and disbursements covered under the Consortium agreement.

(iv) Students who successfully have their eligibility restored for either a college or consortium approved program may receive a student grant for the next payment period if the college or consortium has remaining student grant funds available the approved program.

(q) Prioritization and funding of new or expanded programs with Wyoming Works eligibility.

(i) Programmatic funding shall only be considered for programs or courses, either credit or non-credit, that have been previously approved by the Commission for Wyoming Works student funding.

(ii) Programmatic funding may be requested in support of new college programs or courses, or expansion of existing programs and courses intended to better serve labor and economic development needs.

(iii) Preference shall be given to those programs characterized by consortia between colleges, and to a lesser degree, partnerships between colleges and other entities, including industries or businesses.

(A) Colleges shall comply with requirements set forth by their accrediting body before beginning instruction under a consortium plan.

(iv) Programmatic funding requests are due to the Commission no later than the second Friday following each regular Commission meeting.

(v) Colleges shall make application for programmatic funding using a two-part form developed and maintained by the Commission.

(A) The first part of the application form shall require the following:

(I) A narrative addressing the college's commitment to fund students who are admitted to the program or course, and who are deemed eligible for Wyoming Works funding.

(II) A description of the programmatic funding request, including the program's or course's support of a high-growth, high-demand industry as evidenced by alignment with the state's Economically Needed Diversification Options for Wyoming (ENDOW) initiative, Next Generation Sector Partnerships, or other documented need

as recognized by the Commission, the Wyoming Business Council, the Wyoming Department of Workforce Services, and the Governor.

(III) Identification of specific economic indicators addressing both educational and employment needs in the service area.

(IV) A narrative addressing specific questions regarding the workforce impacts of the employment of students who have completed the program or course(s).

(V) A description of the job placement plan for students who have completed the program or course(s).

(B) The second part of the application form shall consist of a funding request budget, as well as a scoring rubric used to objectively quantify competing funding requests, and to assist in establishing priorities among these requests.

(I) As part of the funding request budget, colleges shall identify the total amount of the request, broken down by the amount of Wyoming Works grant funding being requested, and by the amount(s) and source(s) of cash and/or in-kind match contributions totaling no less than one-third of the total request.

(a) Colleges shall provide explanations and/or evidence of match contribution commitments, including the basis for fair market value of in-kind donations of facilities, equipment or services.

(II) Allowable grant expenditures include instructor salaries and benefits, classroom equipment, and instructional and resource materials.

(a) Estimates of these expenditures shall be based upon verifiable documentation.

(b) The Commission shall develop audit procedures to ensure that grant awards are only expended as authorized, and that actual salaries and benefits, including health insurance premiums and increased retirement contributions, are reimbursed in the same proportion as for other college employees compensated by unrestricted operating funds. Reimbursement for salaries and benefits shall not exceed the total amount identified in the funding request budget, and such reimbursement shall not be considered in subsequent state aid appropriations without legislative authorization.

(III) The scoring rubric shall consist of points assessed by the college itself while completing the application, as well as points assessed by a review panel, and based upon information provided by the college in response to the first part of the application.

(a) Points assessed by the college itself shall reflect objective aspects of consortium and partnership plans, contributions to total programmatic funding, program sustainability, and return-on-investment.

(b) The review panel shall consist of one representative each from the Commission, the Wyoming Business Council, and the Department of Workforce Services. A representative from the Governor's Office may also participate, if requested. Points assessed by the review panel shall reflect the college's narratives and descriptions addressing workforce placement, and satisfaction of regional/service area needs.

(IV) Prioritized by total points assessed under the scoring rubric, programmatic funding requests shall be fully funded until the balance of the Wyoming Works Program Account is insufficient to fund the next highest prioritized program. The review panel shall then decide between proportional funding of this next highest prioritized program or carryover of the unspent balance of the continuous appropriation until such time as another appropriation is made.

(V) Division of programmatic funding awards among consortium members shall be governed by those policies established by the United States Department of Education with respect to consortium funding processes.

CHAPTER 5

ADMINISTRATIVE FUNCTIONS

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 21-18-202(c), (d) and (h), 21-18-203(a), 21-18-205(b), (c) and (e), 21-18-225, 21-18-226, and 21-18-403 through 21-18-406.

~~**Section 2. Purpose.**~~

~~This chapter governs the Commission's administrative functions.~~

Section 32. 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 2019 and fiscal-year 2020 funding shall be the sum of:

(A) The 2017-2018 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 increased retirement contributions (unless appropriated separately by the legislature); and

(II) Recapture and redistribution of state aid as calculated in July 20157.

(B) Proportional allocation of the 2017-2018 biennial budget appropriation for enrollment growth funding using Chapter 5, Section 3(a)(i)(A) as the basis.

(C) Any adjustments to base made by the Budget Division of the Department of Administration and Information.

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

(I) Actual 4-mill revenue for fiscal-year 2017, and 99 percent of 4-mill revenue calculated against the 2017 certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2017; and

(III) Two times the amount of actual other revenue for fiscal-year 2017.

(ii) For each community college, the sum of the adjusted 2017-2018 biennial budget appropriation for state aid, the proportionally allocated 2017-2018 biennial budget appropriation for enrollment growth funding, 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 permanent full-time administrative staff.

(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 permanent full-time administrative staff. 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) For each community college, the current biennial weighted credit hours shall be the sum of the following:

(A) Academic years 2016 and 2017 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2016 and 2017 Level Two credit hours multiplied by a factor of 1.25;

(C) Academic years 2016 and 2017 Level Three credit hours multiplied by a factor of 1.5; and

(D) Academic years 2016 and 2017 Level Four credit hours multiplied by a factor of 0.8.

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

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

(vii) For each community college, a successfully completed, weighted credit hour volume shall be calculated for each academic-year, beginning with academic-year 2015.

(A) Each year upon verification of the most recent successfully completed, weighted credit hour volumes, the college-specific percentages of the system-wide successfully completed, weighted credit hour volume shall be calculated.

(viii) For each community college, a program completion volume shall be calculated for each academic-year, beginning with academic-year 2016.

(A) Each year upon verification of the most recent program completion volumes, the college-specific percentages of the system-wide program completion volume shall be calculated.

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

(A) Multiplying the current annual, college-specific weighted credit hours by the current period system-wide credit-hour revenue, and then multiplying this product by the percentage of the community college's adjusted 2017-2018 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) For fiscal-year 2019, 40 percent of this variable cost state funding shall not be subject to recapture/redistribution, and each community college's allocation of this 40 percent, divided equally into two parts of 20 percent each, shall be calculated as follows:

(1.) Multiplying the community college's proportionate share of system-wide successfully completed, weighted credit hours for academic-year 2017 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 20 percent.

(2.) Multiplying the community college's proportionate share of system-wide program completions for academic-year 2017 by the variable cost portion of

system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 20 percent.

(II) For fiscal-year 2020, 50 percent of this variable cost state funding shall not be subject to recapture/redistribution, and each community college's allocation of this 50 percent, divided equally into two parts of 25 percent each, shall be calculated as follows:

(1.) Multiplying the community college's proportionate share of system-wide successfully completed, weighted credit hours for academic-year 2018 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 25 percent.

(2.) Multiplying the community college's proportionate share of system-wide program completions for academic-year 2018 by the variable cost portion of system-wide annual base funding, then multiplying this product by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue, and then multiplying this product by 25 percent.

(x) For both fiscal-year 2019 and fiscal-year 2020, college-specific fixed cost state funding shall be calculated by multiplying the fixed cost portion of the college-specific annual base funding by the percentage of the community college's adjusted 2017-2018 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xi) Amounts calculated under the funding allocation model which are greater than or less than the system-wide adjusted 2019-2020 biennial budget appropriation shall be distributed proportionately based on variable cost state funding for current annual weighted credit hours.

(xii) For any given fiscal-year, 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 and/or supplemental 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 and/or supplemental 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 and/or supplemental budget submission.

(xiii) For fiscal-year 2019 and fiscal-year 2020, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in July or August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2017-2018 biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2019-2020 biennial budget request.

(xiv) A spreadsheet depicting the operation of the funding allocation model for 2019-2020 shall be included in the *Fiscal Handbook*.

(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 July or August of each year shall be distributed to the community 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 Budget Division of the Department of Administration and Information shall calculate the system-wide 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) Appropriations for increased retirement contribution benefits, to be used for reimbursement of the community colleges' share of increased contributions, beginning 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.

(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 43. 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 in accordance with Wyoming Statute 21-18-102 and 21-18-203, and utilize 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 may 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 Wyoming Statute 21-18-102 and 21-18-203, and also in Section 32 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 by Wyoming Statute 21-18-102 and 21-18-203, 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 performance metrics.

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

(I) 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.

(II) 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.

(III) 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.

(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 54. 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 biennial 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 65. Establishing and Promoting Statewide Priorities.

(a) 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 76. Administering Loan Repayment Programs.

(a) This Section is promulgated under authority of W.S. 21-18-202 and W.S. 9-2-123 for the Wyoming Investment in Nursing program, W.S. 21-7-601 for the Teacher Shortage Loan Repayment program, and W.S. 21-7-701 for the Wyoming Adjunct Professor Loan Repayment program, as amended.

(i) 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 or nurse education and to alleviate a shortage of nurses within the state.

(ii) 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.

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

(b) Sections (c) through (g) apply to all loan repayment programs except as otherwise noted. Section (h) applies to the WYIN and TSLR programs except as otherwise noted, and section (i) applies to the WAPLR program.

(c) 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.

(d) Loan Terms

(i) Loan origination fees shall be established by the Commission and deducted from the first disbursement of funds for payment to the contracted financial institution.

(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.

(e) 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 WYIN program or the TSLR program if the student begins the graduate program while still paying the WYIN or TSLR loan by cash or employment; or

(C) The length of the undergraduate program for a WYIN or TSLR 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) for WYIN and TSLR loans and section (j)(v) for WAPLR loans.

(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.

(f) Process for Cash Repayment. The process and schedule for cash repayment under (h)(v) for WYIN and TSLR loans and section (j)(v) for WAPLR loans 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.

(g) 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.

(h) WYIN and TSLR programs.

(i) Funding:

(A) Funding for a WYIN student in an undergraduate nursing program at a Wyoming community college or the University of Wyoming will be for a maximum of four semesters between any combination of institutions.

(B) Funding for a WYIN student in a graduate nursing or nurse educator program at the University of Wyoming or at an institution approved by the Commission will be for a maximum of the equivalent of 60 graduate-level credit hours.

(C) Funding for a TSLR student 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.

(ii) Application Form. To be eligible to participate in either of these programs, a student shall submit an application to the Commission or its designee upon a form approved by the Commission according to the deadlines determined by each participating educational institution.

(iii) Selection Process

(A) The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community colleges to administer these programs subject to the following:

(I) Subject to the Commission's approval, nurses pursuing a graduate degree may apply to the University of Wyoming, in which case Section (II) below shall apply. All others shall make application for loan funds to the Commission's designated financial institution. The designated financial institution, acting in the same capacity as an institution financial aid officer, shall apply the same rules as those listed below, except the designated financial institution will not be given an allocation of WYIN funds, rather applicants will be funded on a per applicant basis by the Commission.

(II) 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;

(1.) Nurses with an unencumbered BSN degree in nursing may apply for a loan to pursue a MSN degree in nursing or nurse education, and a nurse with a MSN degree in nursing or nurse education may apply for a loan to pursue a PhD in nursing or nurse education.

(III) 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;

(1.) When determining the amount of a loan in either program for which an applicant may be eligible, the unmet need of the applicant shall be considered.

(IV) The funds appropriated by the legislature will be allocated by the Commission to the University of Wyoming and Wyoming's community colleges for students in these programs.

(V) The financial aid officers shall report to the Commission and the designated financial institution responsible for servicing the loans, the names of all students enrolled in the WYIN and TSLR programs 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.

(iv) 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) WYIN program:

- (I) Date of appropriate certification or licensure examination;
- (II) Successful passing score and certification or licensure and employment information; or unsuccessful passing score and date of next examination; and
- (III) Outcome of second examination and, if successful, employment information.

(B) TSLR program:

(I) 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

(II) 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 percent of the working hours.

-(v) Terms of Repayment

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

(B) Qualified work shall be verified annually 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 follows:

(I) As a nurse, if the WYIN loan was for an undergraduate nursing degree, or nurse educator, if the loan was for a graduate nursing degree.

(II) As a certified teacher in any qualified area of study as designated by W.S. 21-7-601 for a TSLR loan.

(C) Subject to the cash repayment provision as detailed in W.S. 9-2-123 for a WYIN loan and W.S. 21-7-601 for a TSLR loan, the loan is repayable in equal or graduated period 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) WAPLR program:

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

(A) The agreement form shall include:

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

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

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

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

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

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

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

(ii) Submission to the Commission:

(A) The post-secondary institution shall submit the nomination(s) to the Commission no later than the second Friday of March or the third Friday in October of the school year in which the educational program is planned.

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

(iii) Selection Process:

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

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

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

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

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

(B) The Commission shall notify successful applicants no later than the third Friday of April or the third Friday in November of the school year in which the educational program is planned, and shall specify the terms and conditions of the loan.

(iv) Payment Process:

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

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

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

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

(II) If an applicant fails to meet the standard established in (1.) of this section, the applicant will begin cash repayment as described in (d)(v) of this section.

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

(v) Terms of Repayment

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

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

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

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

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

Section 87. 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, if authorized, 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 and fees, if authorized, 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.

(j) 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 98. Administering the High School Equivalency Certificate Program.

(a) This section is promulgated under authority of Laws 2013 ch. 25 and W.S. 21-16-1308(b)(iv)(C).

(b) This section describes the procedures for administration of the Wyoming High School Equivalency Certificate (HSEC) program. The HSEC program provides a certificate to adults and out-of-school youth who did not graduate from an accredited high school, are unable to receive a high school diploma from their school district of residence, or were home-schooled and

did not receive a diploma, but are able to demonstrate attainment of knowledge and skills that are equivalent to those which would be attained in a high school program of study through passing any of the state-authorized equivalency certification assessments.

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

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

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

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

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

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

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

(I) Final committee decisions concerning approval or rejection of proposed instruments or pathways shall be via an official vote recorded by electronic mail and promulgated by a summary posting on the Commission website HSEC webpage. The Commission shall consider the actions of the committee at their next regularly scheduled meeting and may override all other approvals or rejections for a proposed instrument or pathway. Appeals shall be handled in accordance with the Wyoming Community College Commission Chapter 2 rules.

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

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

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

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

(A) Score a 17 on the ACT or a 12 on the WorkKeys test and a minimum standard score of 157 on the GED® 2014 series test, ~~score of 530 on the TASC® test~~, or a score of 12 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway provisional opportunity scholarship;

(B) Score a 19 on the ACT and a minimum standard score of 157 on the GED® 2014 series test, ~~score of 530 on the TASC® test~~, or a score of 12 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway opportunity scholarship;

(C) Score a 21 on the ACT and a minimum standard score of 164 on the GED® 2014 series test, ~~score of 570 on the TASC® series test~~, or a score of 14 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway performance scholarship; or

(D) Score a 25 on the ACT and a minimum standard score of 170 on the GED® 2014 series test, ~~score of 600 on the TASC® test~~, or a score of 16 on the HiSet® test, to be eligible for a scholarship at the same level and to the same extent as a Hathaway honor scholarship.

(ii) Minimum standard scores from all approved instruments shall represent the same proficiency skills as those represented by the scores listed above and shall be available on the HSEC webpage, Hathaway Scholarships section.

(iii) Application for a Hathaway scholarship in conjunction with a HSEC certificate must be initiated within two years of natural graduation date, but not prior to that date, except for instances specifically allowed by the Wyoming Department of Education. The applicant

must have received the HSEC while residing in Wyoming, and must have attended a Wyoming high school.

Section 109. Major Maintenance Funding and Distribution.

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

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

(b) Once funding is appropriated, and to the extent funds are available, the distribution shall take place in accordance with rules and regulations promulgated by the State Construction Department.

Section 110. 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 State Construction Department.

(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 June 1 of every year, the colleges shall be authorized to submit for funding consideration capital construction projects. Each submission must be supported by a Level I study, 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 June 1 of each year, Commission staff shall forward the prioritized list, supported by Level I design documents, to the State Construction Department in accordance with W.S. 21-18-225(g).

(ii) An informational report will be created related to the prioritized list given to the State Construction Department, and will be provided to the commissioners at their summer meeting.

(e) Community colleges may submit requests for authorization to construct without state funding, as provided for in W.S. 21-18-202(d)(v). Such requests shall be sent to Commission staff no later than 30 days prior to any scheduled commission meeting for consideration at that meeting. Commission-authorized projects of \$1.5 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~~11. State Authorization Reciprocity Agreements (SARA)

(a) In accordance with W.S. 21-18-226, accredited institutions of higher education with a physical presence in Wyoming may apply for membership in SARA, as administered by our regional compact (WICHE), by making application to the Commission (portal agency) using

the form provided by the National Council for State Authorization Reciprocity Agreements (NC-SARA).

(b) Applicant institutions shall comply with the provisions of the Council of Regional Accrediting Commissions (C-RAC) guidelines, and more specifically, its inter-regional guidelines for the evaluation of distance education programs (online learning) for best practices in postsecondary distance education developed by leading practitioners of distance education.

(c) Each applicant institution shall provide the portal agency and all students enrolled in courses under SARA provisions, its written complaint resolution policies and procedures, including assurances it will comply with the consumer protection standards, as described below:

(i) Initial responsibility for the investigation and resolution of complaints resides with the institution against which the complaint was made.

(A) Complaints against an institution operating under SARA shall first be processed through the institution's own procedures for resolution of grievances.

(B) Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and laws of the SARA institution's home state.

(C) If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed within two years of the incident about which the complaint is made, by requesting in writing, a review by the portal agency. The resolution of the complaint by the portal agency with consultation with the Attorney General shall be final, except for complaints that fall under the provisions of (g) below.

(D) NC-SARA will develop policies and procedures for reporting the number and disposition of complaints that are not resolved at the institution level. Since appeals of decisions made at the institution level are made to the portal agency, these data will be used to report to NC-SARA.

(d) Eligible institutions may make initial application to the portal agency. If approved, the portal agency will notify NC-SARA of the acceptance. NC-SARA will then contact the institution regarding payment of fees, which are based on annual FTE as reported to IPEDS for the previous year. Contingent upon the satisfactory review of eligibility by the portal agency, institutions will pay annual renewal fees directly to NC-SARA. Failure to pay renewal fees shall result in a loss of eligibility to participate in SARA.

(e) Annually, at the time of renewal, the portal agency shall review institutional eligibility and notify WICHE of its findings. Any institution that is disqualified from participating in SARA, either during its annual review or when circumstances dictate, shall not receive a refund if eligibility is revoked partway through an annual period.

(f) Programs Leading to Licensure - Any institution operating under SARA that offers courses or programs potentially leading to professional licensure must keep all students, applicants, and potential students who have contacted the institution about the course or program informed as to whether such offerings actually meet state licensing requirements. This must be done in one of two ways:

(i) The institution may determine whether the course or program meets the requirements for professional licensure in the state where the applicant or student resides, and provide that information in writing to the student; or

(ii) The institution may notify the applicant or student in writing that the institution cannot confirm whether a course or program meets the requirements for professional licensure in the student's state, provide the student with the current contact information for any applicable licensing boards, and advise the student to determine whether the program meets requirements for licensure in the state where the student lives.

(A) Failure to provide proper notice in one of these two ways invalidates the SARA eligibility of any course or program offered without the proper notice.

(B) SARA covers class field trips across state lines among member states, but does not cover full-scale residency programs such as a summer session at a field station.

(C) Short Courses and Seminars – Physical presence under SARA is not triggered if the instruction provided for a short course or seminar takes no more than 20 classroom hours. Class meetings during a full-term course do not trigger physical presence if the instructor and students physically meet together for no more than two meetings, totaling less than six hours. Apparent abuses of these provisions may be brought to the attention of the home state portal agency.

(D) Third Party Providers – Contracts between a third-party provider of educational services and any SARA office or state must be made via the degree-granting institution that operates under SARA. A third-party provider may not represent an institution regarding any subject under SARA operating policies to any SARA office or any state operating under SARA. The institution that transmits a course is considered the degree-granting institution for purposes of this section.

(g) Data Submission Requirements – Participating institutions shall annually submit the following data to NC-SARA using the protocols established by NC-SARA:

(i) The number of students enrolled in the institution via distance education delivered outside the state, reported by state, territory or district in which the students reside.

(ii) A list of programs a student may complete without on-campus attendance using the US DoE definition of a distance education program.

(h) The institution shall have a plan that assures a student will receive services for which they have paid or reasonable financial compensation for those not received in the event of an unanticipated closure of the institution. Such assurances may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.

(j) Participating institutions shall make available their disaster recovery plans, particularly with respect to the protection of student records, to the portal agency, WICHE or NC-SARA upon request.

Section 12. Administering the Wyoming Works Program.

(a) Allocation and reconciliation of academic-year student grant funding amounts.

(i) The allocation of academic-year student grant funding amounts shall be based on each community college service area proportionate share of the state's population aged 18 to 64 years. Albany County's population shall be reduced by the number of University of Wyoming undergraduate students claiming residency in any of the other 22 counties.

(A) Before each academic-year, the Commission shall obtain the following information:

(I) From the Economic Analysis Division of the Wyoming Department of Administration and Information, county-specific population counts for individuals aged 18 to 64 years. These population counts shall reflect the calendar-year two years before the allocation.

(II) From the University of Wyoming, undergraduate counts for students claiming residency in any Wyoming county other than Albany.

(B) Each college's proportionate share of the state's adjusted population aged 18 to 64 years shall be multiplied by the academic-year student grant funding amount up to two million dollars (\$2,000,000). The product of this calculation is each college's allocation of the academic-year student grant funding amount.

(ii) The Commission shall reimburse each college following each semester's certification to the Commission's Executive Director, up to the maximum amount each college is allocated per academic year.

(b) Notice of Availability. Each college shall develop means for informing potential and current students of the availability of the grants under this article. Published grant information must be readily available in an electronic or paper form, and shall include:

(i) A summary of approved programs at that institution;

(ii) A summary of student eligibility requirements;

(iii) A summary of student application procedures; and

(iv) A summary of award amounts.

(v) Items (i) through (iv) need not be listed in their entirety in all communications, but must be readily available to all interested parties.

(c) Student Application.

(i) School responsibilities for student grant application:

(A) Each college shall make available to all prospective and current students an application for student grants applicable to approved programs covered under Wyoming Works.

(B) The application shall be presented to students at the time of applying for admission and made available to all students within the registrar's or financial aid offices before beginning the applicable approved program.

(C) The application may be presented to students in electronic or paper format and shall include, at a minimum:

(I) An explanation of purpose for student grants available under Wyoming Works statutes;

(II) Disclosure of:

a. All student eligibility requirements for grant consideration and receipt;

b. All approved programs eligible for student grants at that institution;

c. A summary of award calculation and maximum annual grant eligibility;

d. A summary of proration for approved programs under consortium agreement;

e. An acknowledgement that a student may transfer from one approved program to another while maintaining continuous enrollment at the college, or transfer to another Wyoming community college and enroll in an approved program at the transfer institution immediately after transfer;

f. A notice that annual grant availability (for approved programs that span more than one year) is subject to the Wyoming legislature's appropriation

process, and is contingent on the Commission issuing a grant allocation for approved programs at the college;

(III) A student's information section that records a student's identifying information, approved program enrollment intent, and anticipated program start date;

(IV) A student's attestation checklist to record acknowledgement of all student grant eligibility requirements;

(V) A student's authorization for the college to collect and share, at a minimum, the student's personally identifying information, collected through the college's admissions or state grant application, the FAFSA, or other method, enrollment information, and all other information necessary to determine their eligibility for a student grant (including past receipt of student grants or other state financial aid receipts) with other Wyoming community colleges and the Commission;

(VI) A student's compliance certification and signature.

(D) Electronic or paper application formats shall be developed by each respective college.

(ii) Student responsibilities for student grant application:

(A) A prospective student shall apply for grants under this section with the college at the time of applying for admission or in any event before beginning the applicable approved program at the college.

(B) An existing student at the community college shall apply for grants under this section with the college's financial aid office before beginning the applicable approved program at the college.

(C) For approved programs offered under a consortium agreement:

(I) A prospective student shall apply for grants under this section with the college, at the time of applying for admission to the college or in any event before the beginning of the applicable approved program, at all locations covered under the consortium agreement.

(II) An existing student at the community college shall apply for grants under this section with the college's financial aid office before the beginning of the applicable approved program, at all locations covered under the consortium agreement.

(e) Student Eligibility

(i) The community college's financial aid office shall determine the student's initial and continued grant eligibility.

(ii) In addition to those requirements in W.S. 21-18-403, to be initially eligible, a student must:

(A) File, and fully complete, a FAFSA (and change of EGC/income form, if necessary) applicable to all payment periods for which a student grant is considered, including complying with all financial aid office directives to provide data, documents and information needed to complete any data authenticity review necessary to generate a valid EFC. Any unresolved data authenticity review necessary to generate a valid EFC shall render the student ineligible for student grant receipt for all applicable payment periods spanned by the FAFSA. For approved programs offered under a consortium agreement between two colleges, the student shall submit a FAFSA, applicable to all payment period(s) for which a student grant is considered, to the financial aid office in all locations listed under the consortium agreement.

(I) The student shall comply with any and all financial aid office directives, from any and all locations listed under the consortium agreement, to provide data, documents, and information needed to complete any data authenticity review necessary to generate a valid EFC.

(II) Any unresolved data authenticity review necessary to generate a valid EFC at any or all locations listed under the Consortium Agreement shall render the student ineligible for student grant receipt for all applicable payment periods spanned by the FAFSA at all locations listed under the consortium agreement;

(B) Not be currently receiving (or expected to receive in any payment period within the length of the approved program) a scholarship under the Hathaway scholarship program established in W.S. 21-16-1301 through 21-16-1311;

(C) Have requested transference of academic transcript and grant usage, if transferring from an approved program at one college to another approved program at a different college, before beginning the approved program at the receiving college; and

(D) Have earned a high school/home school diploma or state equivalency, if admittance into an approved program requires it, and the college provides the student assistance in achieving the diploma or equivalency certificate.

(iii) To maintain continued eligibility for a grant in an approved program more than one semester in length, a student must:

(A) Have maintained continuous enrollment in the approved program;

(B) Have not exceeded the maximum grant amount allowable for the approved program in which the student is enrolled in any one (1) academic year; and

(C) Have not received a Wyoming Works grant for more than three (3) academic years. A student's eligibility for a grant shall permanently terminate once the student

has received three (3) academic years of grant disbursement as calculated by the financial aid office for the student's enrollment in an approved program.

(f) Student Awarding and Disbursement.

(i) The financial aid office at each community college that offers an approved program, in whole or in part under a Consortium Agreement, shall determine the eligibility for a student grant for all students who apply for grant consideration. Student grant funds under this article shall be provided for unmet financial need and only after all other gift aid for the student's enrollment in the credential program has been applied. As a student grant recipient may elect to reserve any portion of their annual award for attendance at a subsequent summer school term, which increases the number of disbursements made within an academic year but does not exceed the aggregate amount of grant for which the student is eligible.

(ii) To determine unmet financial need, each college shall calculate an applicant's COA for the approved program in which the student is enrolled, then deduct the student's EFC and all other gift aid expected to be received by the student for the payment period(s) to which a Wyoming Works student grant applies.

(iii) Award calculations shall be subject to the following:

(A) All proration calculations must be rounded up to two (2) decimal places.

(B) One-half (1/2) of the annual award shall be provided to the student at each fall and spring academic term of qualification unless the credential program or course is for a defined period of less than a full semester or the student elects to reserve any portion of the annual award for attendance at a subsequent summer school term. The financial aid office shall disburse student grants according to these assignment rules:

(I) If an approved program falls between two semesters, but does not cross into either, assign the student grant to a single disbursement within the preceding semester;

(II) If an approved program is contained within a single semester, assign the student grant to a single disbursement within that semester;

(III) If an approved program crosses over two semesters but does not fully span one or both, divide the student grant equally and assign each half to a single disbursement within each semester; and,

(IV) If an approved program fully spans two semesters, divide the student grant equally and assign each half to a single disbursement within each semester.

(C) Colleges shall calculate student eligibility for student grants in all approved programs using standardized award calculations endorsed by all financial aid directors and outlined in Wyoming Works Program policies maintained by the Commission.

(iv) Each community college shall devise processes to confirm a student's continued eligibility for subsequent grant disbursement(s).

(v) Students who graduate from, or otherwise complete, an approved program may be eligible to receive grants if enrolled in a subsequent approved program, as long as:

(A) The student is not reenrolled in, or otherwise re-attempting, the previously completed program;

(B) The student continues to meet all eligibility requirements; and

(C) The college has remaining funds to expend under its annual grant allocation for the approved program in which the student is enrolled.

(g) Repeated Courses/Content. A student required to repeat coursework or program content within an approved program due to failure, withdrawal, or lapse in enrollment may receive additional student grants for future payment periods in future semesters of enrollment for the repeated coursework or program content provided the student has had their eligibility restored as detailed within Section 13(m) of these rules and otherwise remains eligible for a student grant as detailed in Section 13(e) of these rules.

(h) Student Award Confirmation and Data Submission.

(i) The college shall provide to the financial aid office:

(A) An academic calendar that contains the start and end dates within an academic year for all approved for-credit programs; and,

(B) An academic calendar that contains the start/end dates and program lengths within an academic year, and the direct costs, for all approved non-credit programs.

(ii) A student is provisionally eligible until confirmation of student eligibility by the financial aid office.

(iii) The financial aid office shall determine a student's final eligibility based on confirmation of student eligibility in conjunction with the final computation for unmet financial need for students eligible to receive a grant, consistent with each college's schedule for determining actual COA for students at that college.

(j) Grades or Other Measures of Student Academic Performance

(i) For approved for-credit programs that contain graded material or courses, no person shall change, revise, delete, erase, destroy, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving a Wyoming Works student grant or continuing Wyoming Works student grant eligibility.

(ii) For approved non-credit programs that contain student attendance, participation, completion, or other academic performance measurements, no person shall change, revise, delete, erase, destroy, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving a Wyoming Works student grant or continuing Wyoming Works student grant eligibility.

(k) Transferring Students

(i) Students transferring from one college to another may maintain Wyoming Works student grant awards for continued use in an approved program by meeting all student eligibility requirements at the new college, and by requesting that the college from which they are transferring provide an official transcript to the new college. The transcript or an attachment to the transcript shall include:

(A) A list of all semesters for which the student received a Wyoming Works student grant;

(B) Grades for all for-credit academic courses completed within an approved program;

(C) Completions or attempts of all non-credit programs designated as Wyoming Works, which are needed for verification of continued eligibility for grants and SAP for the college that the student is transferring to; and

(D) SAP calculations performed by the financial aid office for all payment periods in all approved programs in which the student received a grant.

(ii) The receiving institution shall calculate a student's eligibility using the criteria detailed in Section 13(e) of these rules; and,

(iii) Transferring students may not receive a student grant if the receiving college has depleted its allocation of grant funds at the time of student transfer.

(m) Satisfactory Academic Progress.

(i) Each community college shall determine qualitative and quantitative measurements to evaluate a student's timely academic progress within each approved program. For non-credit programs, the college must develop appropriate criteria to measure a student's timely academic progress and appropriate academic performance.

(ii) Each student enrolled in an approved program must achieve SAP by the end of each payment period to remain eligible for a student grant in future payment periods.

(iii) Each approved program's SAP criteria shall be disclosed. Disclosure may be passive or may be distributed to each student grant recipient at the time of award.

(iv) SAP shall be calculated at the conclusion of each payment period within the approved program in which the student is enrolled.

(v) Students who fail do not meet SAP requirements after any payment period forfeit eligibility for grant awards and disbursements, except as provided for in these rules.

(vi) Students who forfeit grant eligibility may regain eligibility as detailed in this Section.

(vii) A student's SAP status for grant eligibility shall be persistent if the student transfers to a different approved program within the college or to any approved program offered at college.

(viii) Approved programs offered through a Consortium Agreement must contain criteria for SAP.

(A) The community college within a Consortium Agreement that provides the greatest proportion of approved program content shall determine SAP criteria.

(B) Under a Consortium Agreement which requires that program content shall be shared equally, the participating colleges shall collaborate to establish the program's SAP criteria, but shall evaluate a student's SAP status independently at the end of each payment period for their respective portions of the program.

(C) Consortium Agreements between a college and an entity other than a college shall require the college determine the SAP criteria.

(D) Students who do not meet SAP requirements at one or more college covered under a Consortium Agreement, shall remain ineligible, except as provided for in these rules, for future grant awards and disbursements at all colleges covered under the Consortium Agreement.

(n) Student Appeal of Ineligibility Decisions

(i) Each community college or consortium shall implement an appeal process that permits an applicant to appeal a grant ineligibility determination for select eligibility criteria. Student appeals are permitted for:

(A) Not applying for grant funding at the time of applying for admission or before the commencement of the applicable credential program;

(B) Not maintaining continuous enrollment in approved program;

(C) Not meeting SAP requirements as required for the credential;

(D) Not meeting Wyoming residence requirements; and,

(E) Not being in good standing on repayment of student financial aid.

(ii) The student shall appeal prior to the start of the next period of enrollment in the approved program, and:

(A) Students appealing eligibility at a college for an approved credential program shall follow the college appeal process.

(B) Students appealing eligibility at a college for an approved credential program in a consortium shall follow the HEA appeal process.

(p) Reinstatement of Student Grant Eligibility for student eligibility lost due to not meeting SAP requirements. Community colleges or Consortiums may permit a student, who has forfeited eligibility to reestablish eligibility for a student grant in a future payment period.

(i) Approved programs of one term or less in length shall not permit a student to restore eligibility.

(ii) For approved programs offered at a college that permit a student to reestablish eligibility, the student shall meet college restorative criteria:

(A) Each college may determine different criteria for a student to reestablish eligibility for each approved program offered, and not all approved programs must offer criteria for a student to reestablish eligibility.

(B) Each college shall publish and otherwise make available to students who receive a student grant, any and all restorative criteria determined for their approved programs. Neither paying for one's classes or non-enrollment for a payment period is sufficient to reestablish grant eligibility.

(C) If an ineligible student transfers to another college for an approved program, eligibility shall not be automatically restored and the student must regain eligibility according to any restorative criteria established by the college applicable to the transferred program or as detailed in Section 13 (m) of these rules.

(iii) For approved programs offered through a Consortium Agreement that permit a student to reestablish eligibility, the student shall meet restorative criteria as outlined in these rules.

(A) The college within a Consortium Agreement which provides the greatest proportion of approved program content shall specify the restorative criteria.

(B) Approved programs within a Consortium Agreement whereby the course content is delivered equally, colleges shall collaborate to specify the restorative criteria for the equally distributed portions of the approved program, but shall evaluate the student's accomplishments in their respective restorative criteria independently.

(C) Consortium Agreements between a college and any entity other than a Wyoming community college shall have the college specify the restorative criteria.

(D) Students who do not achieve all restorative criteria requirements at one or more consortia members covered under a Consortium Agreement shall be considered to have not regained eligibility, and shall remain ineligible for future grant awards and disbursements covered under the Consortium Agreement.

(iv) Students who successfully have their eligibility restored for either a college or consortium approved program may receive a student grant for the next payment period if the college or consortium has remaining student grant funds available the approved program.

(q) Prioritization and funding of new or expanded programs with Wyoming Works eligibility.

(i) Programmatic funding shall only be considered for programs or courses, either credit or non-credit, that have been previously approved by the Commission for Wyoming Works student funding.

(ii) Programmatic funding may be requested in support of new college programs or courses, or expansion of existing programs and courses intended to better serve labor and economic development needs.

(iii) Preference shall be given to those programs characterized by consortia between colleges, and to a lesser degree, partnerships between colleges and other entities, including industries or businesses.

(A) Colleges shall comply with requirements set forth by their accrediting body before beginning instruction under a consortium plan.

(iv) Programmatic funding requests are due to the Commission no later than the second Friday following each regular Commission meeting.

(v) Colleges shall make application for programmatic funding using a two-part form developed and maintained by the Commission.

(A) The first part of the application form shall require the following:

(I) A narrative addressing the college's commitment to fund students who are admitted to the program or course, and who are deemed eligible for Wyoming Works funding.

(II) A description of the programmatic funding request, including the program's or course's support of a high-growth, high-demand industry as evidenced by alignment with the state's Economically Needed Diversification Options for Wyoming (ENDOW) initiative, Next Generation Sector Partnerships, or other documented need as recognized by the Commission, the Wyoming Business Council, the Wyoming Department of Workforce Services, and the Governor.

(III) Identification of specific economic indicators addressing both educational and employment needs in the service area.

(IV) A narrative addressing specific questions regarding the workforce impacts of the employment of students who have completed the program or course(s).

(V) A description of the job placement plan for students who have completed the program or course(s).

(B) The second part of the application form shall consist of a funding request budget, as well as a scoring rubric used to objectively quantify competing funding requests, and to assist in establishing priorities among these requests.

(I) As part of the funding request budget, colleges shall identify the total amount of the request, broken down by the amount of Wyoming Works grant funding being requested, and by the amount(s) and source(s) of cash and/or in-kind match contributions totaling no less than one-third of the total request.

(a) Colleges shall provide explanations and/or evidence of match contribution commitments, including the basis for fair market value of in-kind donations of facilities, equipment or services.

(II) Allowable grant expenditures include instructor salaries and benefits, classroom equipment, and instructional and resource materials.

(a) Estimates of these expenditures shall be based upon verifiable documentation.

(b) The Commission shall develop audit procedures to ensure that grant awards are only expended as authorized, and that actual salaries and benefits, including health insurance premiums and increased retirement contributions, are reimbursed in the same proportion as for other college employees compensated by unrestricted operating funds. Reimbursement for salaries and benefits shall not exceed the total amount identified in the funding request budget, and such reimbursement shall not be considered in subsequent state aid appropriations without legislative authorization.

(III) The scoring rubric shall consist of points assessed by the college itself while completing the application, as well as points assessed by a review panel, and based upon information provided by the college in response to the first part of the application.

(a) Points assessed by the college itself shall reflect objective aspects of consortium and partnership plans, contributions to total programmatic funding, program sustainability, and return-on-investment.

(b) The review panel shall consist of one representative each from the Commission, the Wyoming Business Council, and the Department of Workforce Services. A representative from the Governor's Office may also participate, if requested. Points assessed by the review panel shall reflect the college's narratives and descriptions addressing workforce placement, and satisfaction of regional/service area needs.

(IV) Prioritized by total points assessed under the scoring rubric, programmatic funding requests shall be fully funded until the balance of the Wyoming Works Program Account is insufficient to fund the next highest prioritized program. The review panel shall then decide between proportional funding of this next highest prioritized program or carryover of the unspent balance of the continuous appropriation until such time as another appropriation is made.

(V) Division of programmatic funding awards among consortium members shall be governed by those policies established by the United States Department of Education with respect to consortium funding processes.

CHAPTER 6

APPROVAL FUNCTIONS

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 21-18-202(d) and 21-18-407(b)(ii).

Section 2. Approving New Certificate and Associates Degree Programs.

(a) The Commission reviews and approves or disapproves programs based on the *WY Community College Commission Statewide Strategic Plan*.

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

(c) Community colleges requesting approval for new 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 AAS degree;

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

(v) A list of similar programs at other Wyoming community colleges;

(vi) New course descriptions, which include course content and instructional modes utilized, program student learning outcomes, suggested Classification of Instructional Programs (CIP) code, and where applicable, any program accreditation process;

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

(viii) The credit hours required for a program's degree or certificate attainment;

(ix) Level of instruction code for courses that are new to the Wyoming community colleges;

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

(d) The Program Review Committee shall render final approval or denial of a new stackable certificate program request composed of courses in an AAS degree previously offered by the requesting college.

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

(e) The Program Review Committee shall render final approval or denial of a new stackable certificate program request which is comprised solely of a sub-set of courses from a Commission approved AAS degree program that is currently offered by the college making the request.

(f) The Commission shall have final authority to approve, conditionally approve or deny requests for new associate degree programs and certificate programs that are not comprised solely of a sub-set of courses required in a previously Commission approved AAS degree.

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

(h) The implementation of a 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.

(j) 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 Academic Affairs Council, Program Review Committee, and the Executive Council.

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

Section 3. Authorizing Colleges to Deliver Bachelors of Applied Science (BAS) Degrees.

(a) Colleges shall submit to the Commission a request to authorize the institution to seek a substantive change to deliver no more than two (2) BAS degrees to the accrediting body.

(i) The package must contain:

(1) Board of Trustees Resolution in support of a BAS program.

(2) Memo outlining how the proposed BAS program fits the college mission, vision and goals.

(3) Letter(s) of Endorsement, or other formal documentation in support of the proposed program(s) from local employers or other parties that will benefit from the new degree.

(4) Anticipated program names.

(b) Upon acknowledgement of the substantive change process to offer BAS degrees by the accrediting body, colleges shall submit BAS program approvals in accordance with Section 3 of this chapter prior to submitting the formal application to the accrediting body.

Section 4. Approving New Bachelors of Applied Science (BAS) Degree Programs.

(a) Community Colleges requesting approval of a new BAS program shall submit an application confirming not only the same provisions of Section 2 (a), (b), (c) above, but also the identification or completion of;

(i) Date of Board of Trustees Resolution to offer baccalaureate degrees.

(ii) Date of Commission authorization to proceed with the substantive change process.

(iii) Anticipated date of accrediting body acknowledgement of change request.

(iv) Anticipated date of accrediting body Change Visit.

(v) A 5-year business plan assessing the fiscal sustainability of the new program.

(vi) An assessment plan showing student learning outcomes for BAS programs is distinct from those at the associate's degree level.

(vii) A definition of what constitutes and differentiates lower division from upper division coursework.

(viii) Clear definition of faculty qualifications required for upper-level courses.

(ix) Adequate evidence to demonstrate faculty have played a significant role in development and approval of the program.

(x) Demonstration of the pathways for students to enter the program at various points.

(xi) Demonstrated ability and capacity to provide adequate and appropriate support services to students enrolled in BAS programs.

(xii) Demonstrated ability and capacity to provide adequate and appropriate academic services to students enrolled in BAS programs.

Section 5. Approving Wyoming Works Credit and Non-Credit Programs.

(a) Community colleges shall submit approved credit programs and non-credit programs or courses to the commission for consideration for Wyoming Works approval.

(b) Credit programs are programs that lead to an industry-recognized certificate, license or permit, or certificates and degrees awarded by colleges that meet identified qualifications for working in an occupation identified as an economic or workforce need in Wyoming.

(c) Non-credit programs or courses are educational activities that lead to an government- or industry-recognized certificate, license or permit that meet identified qualifications for working in an occupation identified as an economic or workforce need in Wyoming.

(d) Community colleges submitting a program for Wyoming Works student funding shall submit a program approval coversheet addressing:

(i) the alignment of the credit program or non-credit program or courses with an economic and labor need in the community or region to be served as identified by a Next Generation Sector Partnership, ENDOW, or other data that supports a workforce need;

(ii) the proposed student award level;

(iii) projected enrollment numbers in the program or course for the next five (5) years; and projected time to completion of the program or course.

Section 6. Approving Enlargement and Formation of Community College Districts.

(a) 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 7. Approving Capital Construction Projects.

(a) Community colleges shall submit new capital construction project proposals, pursuant to W.S. 21-18-202(d)(v)(A),(B) and (C) and W.S. 21-18-225, to the Commission in accordance with Chapter 5, Section 11 of *Commission Rules*.

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

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

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

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

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

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

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

(v) Provision of a facilities condition index as described in the *Facilities Handbook* and the Users' Manual for the capital construction database 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. These rules are promulgated pursuant to Wyoming Statute 21-18-202(d) and 21-18-407(b)(ii).

~~Section 2. Purpose.~~

~~This chapter defines the Commission's approval functions.~~

Section 32. Approving New Certificate and Associates 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~~ 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 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;~~

(v~~i~~) A list of similar programs at other Wyoming community colleges;

(v~~ii~~) The program layout including aNew course descriptions, which include course content and instructional modes utilized, program 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);

~~(ixviii)~~ The credit hours required for a program's degree or certificate attainment;

~~(ix)~~ ~~Any proposed~~ HLevel of instruction code for courses 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 complete 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 pilotstackable certificate program request composed of courses in an AAS degree previously offered by the requesting college.

(i) Within 10 business days of receipt of a pilotstackable certificate 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 Program Review Committee shall render final approval or denial of a new stackable certificate program request which is comprised solely of a sub-set of courses from a Commission approved AAS degree program that is currently offered by the college making the request.

~~(g)~~ The Commission shall have final authority to approve, conditionally approve or deny requests for new ~~long-term~~ associate degree programs and ~~long-term~~ certificate programs that are not comprised solely of a sub-set of courses required in a previously Commission approved AAS degree.

~~(h)~~ The Commission shall have final authority for any pilotstackable workforce preparation certificate program denied by the Program Review Committee through the appeal process initiated by the affected college.

(jh) 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.

(kj) 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 Academic Affairs Council, Program Review Committee, and 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.~~

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

Section 3. Authorizing Colleges to Deliver Bachelors of Applied Science (BAS) Degrees.

(a) Colleges shall submit to the Commission a request to authorize the institution to seek a substantive change to deliver no more than two (2) BAS degrees to the accrediting body.

(i) The package must contain:

(1) Board of Trustees Resolution in support of a BAS program.

(2) Memo outlining how the proposed BAS program fits the college mission, vision and goals.

(3) Letter(s) of Endorsement, or other formal documentation in support of the proposed program(s) from local employers or other parties that will benefit from the new degree.

(4) Anticipated program names.

(b) Upon acknowledgement of the substantive change process to offer BAS degrees by the accrediting body, colleges shall submit BAS program approvals in accordance with Section 3 of this chapter prior to submitting the formal application to the accrediting body.

Section 4. Approving New Bachelors of Applied Science (BAS) Degree Programs.

(a) Community Colleges requesting approval of a new BAS program shall submit an application confirming not only the same provisions of Section 2 (a), (b), (c) above, but also the identification or completion of:

(i) Date of Board of Trustees Resolution to offer baccalaureate degrees.

- (ii) Date of Commission authorization to proceed with the substantive change process.
- (iii) Anticipated date of accrediting body acknowledgement of change request.
- (iv) Anticipated date of accrediting body Change Visit.
- (v) A 5-year business plan assessing the fiscal sustainability of the new program.
- (vi) An assessment plan showing student learning outcomes for BAS programs is distinct from those at the associate's degree level.
- (vii) A definition of what constitutes and differentiates lower division from upper division coursework.
- (viii) Clear definition of faculty qualifications required for upper-level courses.
- (ix) Adequate evidence to demonstrate faculty have played a significant role in development and approval of the program.
- (x) Demonstration of the pathways for students to enter the program at various points.
- (xi) Demonstrated ability and capacity to provide adequate and appropriate support services to students enrolled in BAS programs.
- (xii) Demonstrated ability and capacity to provide adequate and appropriate academic services to students enrolled in BAS programs.

Section 35. Approving Wyoming Works Credit and Non-Credit Programs.

- (a) Community colleges shall submit approved credit programs and non-credit programs or courses to the commission for consideration for Wyoming Works approval.
- (b) Credit programs are programs that lead to an industry-recognized certificate, license or permit, or certificates and degrees awarded by colleges that meet identified qualifications for working in an occupation identified as an economic or workforce need in Wyoming.
- (c) Non-credit programs or courses are educational activities that lead to an government- or industry-recognized certificate, license or permit that meet identified qualifications for working in an occupation identified as an economic or workforce need in Wyoming.

(ed) Community colleges submitting a program for Wyoming Works student funding shall submit a program approval coversheet addressing:

(i) the alignment of the credit program or non-credit program or courses with an economic and labor need in the community or region to be served as identified by a Next Generation Sector Partnership, ~~or~~ ENDOW, or other data that supports a workforce need;

(ii) the proposed student award level;

(iii) projected enrollment numbers in the program or course for the next five (5) years; and projected time to completion of the program or course.

Section ~~46~~. Approving Enlargement and Formation of Community College Districts.

(a) 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 ~~57~~. Approving Capital Construction Projects.

(a) Community colleges shall submit new capital construction project proposals, pursuant to W.S. 21-18-202(d)(v)(A),(B) and (C) and W.S. 21-18-225, to the Commission in accordance with Chapter 5, Section 11 of *Commission Rules*.

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

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

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

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

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

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

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

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