Certification Page
Regular and Emergency Rules

Revised June 2020

☒ **Emergency Rules** *(Complete Sections 1-3 and 5-6)* ☐ **Regular Rules**

1. General Information

a. Agency/Board Name*	Wyoming Community College Commission		
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)777-7013
g. Agency Liaison Email Address	Rob.Dennis@wyo.gov	h. Adoption Date	December 4, 2020
i. Program	General Agency, Board or Commission Rules		
	Amended Program Name (*if applicable*):		

* ☐ *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 or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ **No.** ☐ **Yes.** If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

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:	Chapter Name:	
6	Approval Functions	☐ New ☒ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
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	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☐ Yes. ☑ N/A

b. A public hearing was held on the proposed rules. ■ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

5. Checklist

a. ☐ For regular rules, the Statement of Principal Reasons is attached to this Certification 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

b. ☑ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	Sandra Caldwell
Printed Name of Signatory	Dr. Sandra Caldwell
Signatory Title	Executive Director, Wyoming Community College Commission
Date of Signature	1/22/2021

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

WYOMING COMMUNITY COLLEGE COMMISSION

2300 Capitol Ave. 5th Floor, Suite B | Cheyenne, WY 82002 | (307) 777-7763

www.communitycolleges.wy.edu

WYOMING COMMUNITY COLLEGE COMMISSION

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
Vacant – In-district

Exofficio:
Governor Mark Gordon
State Superintendent Jillian Balow
Executive Director
Dr. Sandy Caldwell

Phone: (307) 777-7763
www.communitycolleges.wy.edu

To: Honorable Mark Gordon, Governor

From: Dr. Sandy Caldwell
Wyoming Community College Commission

Subject: Proposed Emergency Rules for Chapter 6

Date: January 22, 2021

Priority: **HIGH** – Deadline for response is February 5, 2021

Summary: The Wyoming Community College Commission, at a special meeting December 4, 2020 approved emergency rule additions and amendments to Chapter 6: Section 6 Approving the Formation of Community College Districts, and Section 7 Annexation of Additional Counties Into An Existing District.

This is the second set of Emergency Rules passed during the August 28, 2020 Commission meeting. The previous set of emergency rules are currently active for a 120 day period which expired on December 26, 2020. This second set will allow for an additional 120 extension providing an expiration date of April 3, 2021. Additionally, the second set of emergency rules will allow the agency time to adopt similar Regular Rules covering Community College District Creation and County annexation. Promulgation of these rules creates a process whereby there is specific guidance for counties and the commission to follow. These rules provide guidance not included in W.S. 21-18 310 and 312.

Agency Contact Name: Rob Dennis
Agency Contact Phone: 307 777-7013
Agency Contact Email: Rob.Dennis@wyo.gov

CHAPTER 6

APPROVAL FUNCTIONS

"Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules."

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 21-18-202(d), Wyoming Statute 21-18-310, Wyoming Statute 21-18-312 and Wyoming Statute 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:

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

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

(C) 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.

(D) 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 the Formation of Community College Districts.

(a) Application for a New Community College District

(i) The Commission shall provide an application for the formation of a new community college district containing the following minimum elements:

(A) A request for a statement of purpose detailing the goals for forming a new community college district, how the new college will have greater benefit to the community than educational services currently provided, and how the new college will compliment and not detract from the current educational opportunities available across Wyoming.

(B) Application questions pertaining to the location of the proposed district, proposed name, submitting agency or entity, contact information for the proposing entity and the primary representative.

(C) A questionnaire focused on the demographic composition and educational needs of the proposed district including but not limited to:

(I) Detailed information regarding district boundaries.

(II) Projected date of district establishment.

(III) Current and expected future district area populations.

(IV) Current and expected future student populations.

(V) Current and future workforce, technical education, academic programs.

(D) A questionnaire focused on the educational programing and student support to be provided in the proposed district including but not limited to:

(I) Certificate and degrees to be offered through the proposed district and their appropriateness for an institution of higher education.

(II) Identity of and justification for academic transfer programs.

(III) Identity of and justification for career-technical education (CTE) programs.

(IV) Identity of and justification for non-credit workforce training and or continuing education programs.

(V) Identity of and justification for community service programs.

(VI) Identification of distance education programs and the proposed institution's capacity to meet student learning and support needs.

(VII) Identify student support services to be established on the campus, their implementation, and continued support for sustaining.

(VIII) Identify academic programs currently offered in the proposed district by other institutions.

(E) A summary or detail identifying the steps to establish institutional accreditation, including but not limited to:

(I) For existing campuses discuss steps and legal operating agreements with existing accredited with an existing Wyoming community college district to provide educational services, including but not limited to curriculum, student support, transfer credits and credential awarding;

(II) Detail the plan and timeline to develop a catalog and institutional information including, but not limited to personnel and provided academic programs;

(III) Detail the plan and timeline to develop clearly articulated learning goals for all programs;

(IV) Provide a timeline for development of the district's general education minimum requirements;

(V) Provide an assurance that meets federal requirements for credit described in the institutional accreditation compliance program.

(F) A questionnaire that explores current and future, facilities and physical resources, including but not limited to:

(I) Identification of existing facilities capable of hosting instructional programs, student support services and administration;

(II) Identification of facilities needed to house future instructional programs, student support services and administration;

(III) For existing campus or facilities, identification of property ownership;

(IV) For existing campuses or facilities that operate under an existing college district, identify the process for transfer of ownership or planned lease agreements for continued campus operation;

(V) Detail a plan and timeline for implementing and administrative computing system including but not limited to administrative and student records system.

(G) A questionnaire that includes a request for a plan and detail for the proposed district to have a financial base to support its operations and sustain operations in the future including, but not limited to, financial operations, administrative capacity, fiscal management, budgeting, and debt management:

(I) Assessed and expected property valuation in five-year increments for 20 years from the date of application;

(II) Projected revenue in five-year increments for 20 years from Motor Vehicle Tax, Investments, and Other Funds;

(III) Projected tuition and fee revenue;

(IV) Projected state Supplemental Funds.

(V) A plan and detailed timeline for employing faculty and other personnel appropriately;

(VI) Detail a plan and timeline for securing access to learning resources and support services (research labs, supplies, libraries/librarians, online resources, and other).

(H) An application for formation of a new community college district shall be accompanied by a subscription of not less than five hundred (500) or twenty-five percent (25%), whichever is smaller, of qualified electors residing within each county sought to be organized into a community college district.

(ii) The proposed district shall, within sixty days of filing of the application, submit a Statement of Recommendations, signed by the county commissioners requesting that the proposed district will:

(A) Cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(B) Submit academic and vocational programs to the Commission for approval or termination based upon student demand, cost effectiveness, duplication, and accreditation by an academic accreditor, industry, or professional groups.

(C) If a district is approved by the Commission with no projected requirement for state funds, submit its local budget to the Commission annually as other colleges receiving state funds and in the same format, with detailed revenue, expenditure and program information as required for all colleges.

(D) Cooperate in establishing and maintaining composite data about the community college to promote the collection and analysis of accurate, cost-effective information about the community colleges system including an analysis of space utilization at each college.

(E) File the community college budget with the Commission for public review as described in W.S. 16-4-111(d).

(F) Operate within a Commission approved and standardized tuition structure for resident, nonresident, Western Undergraduate Exchange (WUE), and Nebraska students.

(b) Commission responsibilities upon receipt of a completed application:

(i) The Commission shall conduct a survey that includes, but is not limited to, consideration of the need for a community college in the proposed district, the need for the community college in the state, the financial ability of the proposed district to support a college, the

education soundness of the proposed community college plan, and any other matters which might assist the commission in the disposition of the application.

(ii) The Commission shall, within 30 days of receipt of an application, gather the following data;

(A) Research from the Economic Analysis Division detailing population and economic statistics forecasted for twenty-five years from the date of application.

(B) Research from the Department of Workforce Services detailing job demand by occupation for the state and proposed district projected for twenty-five years from the date of application.

(C) A forecast from the Economic Analysis Division of economic conditions including per capita and state government income which reflects state, individual, and proposed district income projected twenty-five years from the date of application.

(D) A projection from existing community colleges and the University of Wyoming describing the effects on student demand, program demand, potential cost, and income reductions on existing institutions if a new district is established. The projection shall include the number of students from the proposed district presently enrolled in the existing institutions and their courses of study.

(E) A verification from the State Board of Equalization that the assessed property valuation in the proposed district is not less than one hundred million dollars ($100,000,000) as of the date of the application.

(F) Verification from the Department of Education that not fewer than fifteen hundred students are enrolled in grades nine (9) through twelve (12) in the proposed district as of the date of the application.

(G) Written and oral testimony from public hearings, conducted within sixty (60) days of the date of application. Hold at least one public hearing in the proposed district and hold at least one public hearing in a non-petitioning county.

(I) All hearings shall be advertised in a major state newspaper by paid display advertising fourteen (14) days prior to the hearings.

(II) The Commission Chair, or a Commission member so designated by the Chair, shall preside over the hearings.

(III) The oral testimony presented at the hearing shall be recorded.

(IV) All Legislators shall receive written notification of the hearings.

(iii) Following the public hearings and the accumulation of all data required in this process, the attorney for the Commission shall submit to the Commission proposed Findings of Fact, Conclusions of Law, Decision and Order.

(c) Decision on the Application. The Commission shall render its decision within 90 days from the date of receipt of the complete application.

(d) The Commission shall hold a meeting at least seven days prior to the termination of the 90 day review period for the purpose of;

(i) Considering the petition for a new community college district.

(ii) The Commission shall issue its final decision with Findings of Fact, Conclusions of Law, Decision and Order. The document shall be sent to the party or parties representing the petitioners and to the Legislative Service Office. This decision is the final agency action.

Section 7. Annexation of Additional Counties Into An Existing District.

(a) Process to consider annexation of a county into an existing district that shares, or does not share, a common border.

(i) The Commission shall develop and provide an application for the annexation of an additional county(s) into an existing community college district.

(ii) A complete copy of the petition submitted to the Board of Trustees of the existing community college district shall accompany the application.

(iii) The Commission shall, during a regular meeting, consider the petition for a new county be annexed into an existing community college district.

(iv) The Commission shall issue its final decision with Findings of Fact, Conclusions of Law, Decision and Order. The document and certificate of service shall be sent to the party or parties representing the petitioning county and the existing community college district board of trustees. This decision is the final agency action.

Section 8. 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

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(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);

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(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.

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(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:

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

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

(C) 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.

(D) 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.

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(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 <u>the</u> ~~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).~~

<u>(a) Application for a New Community College District</u>

<u>(i) The Commission shall provide an application for the formation of a new community college district containing the following minimum elements:</u>

<u>(A) A request for a statement of purpose detailing the goals for forming a new community college district, how the new college will have greater benefit to the community than educational services currently provided, and how the new college will compliment and not detract from the current educational opportunities available across Wyoming.</u>

(B) Application questions pertaining to the location of the proposed district, proposed name, submitting agency or entity, contact information for the proposing entity and the primary representative.

(C) A questionnaire focused on the demographic composition and educational needs of the proposed district including but not limited to:

(I) Detailed information regarding district boundaries.

(II) Projected date of district establishment.

(III) Current and expected future district area populations.

(IV) Current and expected future student populations.

(V) Current and future workforce, technical education, academic programs.

(D) A questionnaire focused on the educational programing and student support to be provided in the proposed district including but not limited to:

(I) Certificate and degrees to be offered through the proposed district and their appropriateness for an institution of higher education.

(II) Identity of and justification for academic transfer programs.

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(IV) Identity of and justification for non-credit workforce training and or continuing education programs.

(V) Identity of and justification for community service programs.

(VI) Identification of distance education programs and the proposed institution's capacity to meet student learning and support needs.

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(E) A summary or detail identifying the steps to establish institutional accreditation, including but not limited to:

(I) For existing campuses discuss steps and legal operating agreements with existing accredited with an existing Wyoming community college district to provide educational services, including but not limited to curriculum, student support, transfer credits and credential awarding;

(II) Detail the plan and timeline to develop a catalog and institutional information including, but not limited to personnel and provided academic programs;

(III) Detail the plan and timeline to develop clearly articulated learning goals for all programs;

(IV) Provide a timeline for development of the district's general education minimum requirements;

(V) Provide an assurance that meets federal requirements for credit described in the institutional accreditation compliance program.

(F) A questionnaire that explores current and future, facilities and physical resources, including but not limited to:

(I) Identification of existing facilities capable of hosting instructional programs, student support services and administration;

(II) Identification of facilities needed to house future instructional programs, student support services and administration;

(III) For existing campus or facilities, identification of property ownership;

(IV) For existing campuses or facilities that operate under an existing college district, identify the process for transfer of ownership or planned lease agreements for continued campus operation;

(V) Detail a plan and timeline for implementing and administrative computing system including but not limited to administrative and student records system.

(G) A questionnaire that includes a request for a plan and detail for the proposed district to have a financial base to support its operations and sustain operations in the future including, but not limited to, financial operations, administrative capacity, fiscal management, budgeting, and debt management:

(I) Assessed and expected property valuation in five-year increments for 20 years from the date of application;

(II) Projected revenue in five-year increments for 20 years from Motor Vehicle Tax, Investments, and Other Funds;

(III) Projected tuition and fee revenue;

(IV) Projected state Supplemental Funds.

(V) A plan and detailed timeline for employing faculty and other personnel appropriately;

(VI) Detail a plan and timeline for securing access to learning resources and support services (research labs, supplies, libraries/librarians, online resources, and other).

(H) An application for formation of a new community college district shall be accompanied by a subscription of not less than five hundred (500) or twenty-five percent (25%), whichever is smaller, of qualified electors residing within each county sought to be organized into a community college district.

(ii) The proposed district shall, within sixty days of filing of the application, submit a Statement of Recommendations, signed by the county commissioners requesting that the proposed district will:

(A) Cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(B) Submit academic and vocational programs to the Commission for approval or termination based upon student demand, cost effectiveness, duplication, and accreditation by an academic accreditor, industry, or professional groups.

(C) If a district is approved by the Commission with no projected requirement for state funds, submit its local budget to the Commission annually as other colleges receiving state funds and in the same format, with detailed revenue, expenditure and program information as required for all colleges.

(D) Cooperate in establishing and maintaining composite data about the community college to promote the collection and analysis of accurate, cost-effective information about the community colleges system including an analysis of space utilization at each college.

(E) File the community college budget with the Commission for public review as described in W.S. 16-4-111(d).

(F) Operate within a Commission approved and standardized tuition structure for resident, nonresident, Western Undergraduate Exchange (WUE), and Nebraska students.

(b) Commission responsibilities upon receipt of a completed application:

(i) The Commission shall conduct a survey that includes, but is not limited to, consideration of the need for a community college in the proposed district, the need for the community college in the state, the financial ability of the proposed district to support a college, the education soundness of the proposed community college plan, and any other matters which might assist the commission in the disposition of the application.

(ii) The Commission shall, within 30 days of receipt of an application, gather the following data;

(A) Research from the Economic Analysis Division detailing population and economic statistics forecasted for twenty-five years from the date of application.

(B) Research from the Department of Workforce Services detailing job demand by occupation for the state and proposed district projected for twenty-five years from the date of application.

(C) A forecast from the Economic Analysis Division of economic conditions including per capita and state government income which reflects state, individual, and proposed district income projected twenty-five years from the date of application.

(D) A projection from existing community colleges and the University of Wyoming describing the effects on student demand, program demand, potential cost, and income reductions on existing institutions if a new district is established. The projection shall include the number of students from the proposed district presently enrolled in the existing institutions and their courses of study.

(E) A verification from the State Board of Equalization that the assessed property valuation in the proposed district is not less than one hundred million dollars ($100,000,000) as of the date of the application.

(F) Verification from the Department of Education that not fewer than fifteen hundred students are enrolled in grades nine (9) through twelve (12) in the proposed district as of the date of the application.

(G) Written and oral testimony from public hearings, conducted within sixty (60) days of the date of application. Hold at least one public hearing in the proposed district and hold at least one public hearing in a non-petitioning county.

(I) All hearings shall be advertised in a major state newspaper by paid display advertising fourteen (14) days prior to the hearings.

(II) The Commission Chair, or a Commission member so

designated by the Chair, shall preside over the hearings.

(III) The oral testimony presented at the hearing shall be recorded.

(IV) All Legislators shall receive written notification of the hearings.

(iii) Following the public hearings and the accumulation of all data required in this process, the attorney for the Commission shall submit to the Commission proposed Findings of Fact, Conclusions of Law, Decision and Order.

(c) Decision on the Application. The Commission shall render its decision within 90 days from the date of receipt of the complete application.

(d) The Commission shall hold a meeting at least seven days prior to the termination of the 90 day review period for the purpose of;

(i) Considering the petition for a new community college district.

(ii) The Commission shall issue its final decision with Findings of Fact, Conclusions of Law, Decision and Order. The document shall be sent to the party or parties representing the petitioners and to the Legislative Service Office. This decision is the final agency action.

Section 7. Annexation of Additional Counties Into An Existing District.

(a) Process to consider annexation of a county into an existing district that shares, or does not share, a common border.

(i) The Commission shall develop and provide an application for the annexation of an additional county(s) into an existing community college district.

(ii) A complete copy of the petition submitted to the Board of Trustees of the existing community college district shall accompany the application.

(iii) The Commission shall, during a regular meeting, consider the petition for a new county be annexed into an existing community college district.

(iv) The Commission shall issue its final decision with Findings of Fact, Conclusions of Law, Decision and Order. The document and certificate of service shall be sent to the party or parties representing the petitioning county and the existing community college district board of trustees. This decision is the final agency action.

Section ~~7~~8. 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.