

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [Bill Number]

Education-state authorization reciprocity agreement.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to post secondary education; authorizing
2 the Wyoming Community College Commission to enter into and
3 administer reciprocity agreements with other states on the
4 licensing of specified post secondary institutions;
5 authorizing admission of post secondary institutions with a
6 physical presence in Wyoming under reciprocity agreement
7 and providing for reciprocal licensure in Wyoming of
8 institutions located in states that are signatories to the
9 agreement; granting rulemaking authority and authorizing
10 fees; providing an appropriation; and providing for an
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2 **Section 1.** W.S. 21-18-226 is created to read:

3

4 **21-18-226. State authorization reciprocity**
5 **agreements; administration; requirements; fees; rules and**
6 **regulations.**

7

8 (a) The commission shall enter into an agreement with
9 the Western Interstate Commission for Higher Education to
10 participate, on behalf of the state of Wyoming, with all
11 other states legally joining in the state authorization
12 reciprocity agreement.

13

14 (b) The requirements of the agreement shall be
15 sufficient to protect the integrity of Wyoming post
16 secondary education, but shall also allow authorized
17 institutions complying with the agreement the ability to
18 reach as many potential students as possible.

19

20 (c) The commission shall review applications from any
21 public or private post secondary institution seeking
22 admission under the state reciprocity agreement if the

1 institution has a physical presence in Wyoming and is
2 organized under the laws of the state of Wyoming. The
3 commission shall:

4

5 (i) Admit to the state authorization agreement
6 any qualified public or private applicant that meets the
7 requirements of the state authorization reciprocity
8 agreement pertaining to institutional quality, consumer
9 protection and fiscal viability as defined by subsection
10 (d) of this section;

11

12 (ii) Monitor compliance of admitted institutions
13 for institutional quality, consumer protection and fiscal
14 viability;

15

16 (iii) Notify, in a timely manner, the Western
17 Interstate Commission for Higher Education of those post
18 secondary institutions admitted to the reciprocity
19 agreement under paragraph (i) of this subsection and any
20 action taken against an authorized institution pursuant to
21 paragraph (iv) of this subsection; and

22

1 (iv) Take appropriate action against any
2 authorized institution upon failure to comply with
3 requirements of the state authorization reciprocity
4 agreement, including an investigation, citation, suspension
5 or expulsion from the reciprocity agreement.

6

7 (d) For purposes of paragraph (c)(i) of this section,
8 an institution may satisfy:

9

10 (i) The institutional quality standard through
11 evidence of current accreditation;

12

13 (ii) The consumer protection standard through
14 evidence that information required under Title IV of the
15 Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as
16 amended, is provided to current and prospective students,
17 and evidence of a procedure for addressing student
18 complaints both internally and through an outside state
19 agency as required by that act;

20

21 (iii) The fiscal viability standard for public
22 institutions through evidence of adequate public funding,

1 or for a private institution, through evidence that the
2 United States department of education, in its most recent
3 fiscal year report, assigned the institution a financial
4 responsibility composite score of one and five-tenths (1.5)
5 or greater, or a financial responsibility composite score
6 of not less than one (1) if the report covers the most
7 recent two (2) consecutive fiscal years.

8

9 (e) The commission may adopt rules and regulations to
10 implement this section.

11

12 (f) For purposes of administrating this section, the
13 commission may establish and collect fees from authorized
14 institutions to pay necessary administrative expenses
15 incurred under this section. Any fees collected pursuant
16 to this subsection shall be deposited into the general
17 fund.

18

19 (g) As used in this section:

20

21 (i) "Accredited" or "accreditation" means the
22 status of public recognition that an accrediting agency

1 recognized by the United States department of education
2 pursuant to Title IV of the Higher Education Act of 1965
3 (20 U.S.C. § 1070 et seq.), as amended, grants to an
4 institution or educational program that meets the
5 department's established requirements;

6

7 (ii) "Educational program" means a program of
8 organized instruction or study beyond secondary education
9 that leads to an academic professional degree, vocational
10 degree or certificate or other recognized educational
11 credential;

12

13 (iii) "Physical presence" means the ongoing
14 occupation of a physical location in Wyoming for
15 instructional purposes or the maintenance of an
16 administrative office in Wyoming to facilitate instruction.
17 For purposes of this section, the following activities do
18 not constitute a physical presence in Wyoming:

19

20 (A) Delivery of distance education courses
21 online;

22

1 (B) Advertising;

2

3 (C) Recruiting;

4

5 (D) Courses delivered on military
6 installations by an accredited institution limited to
7 active and reserve military personnel, dependents of
8 military personnel and civilian employees of the military
9 installation;

10

11 (E) Operation of a server or other
12 electronic service device; or

13

14 (F) Experiential learning opportunities
15 such as a clinical practicum residency or internship.

16

17 (iv) "Post secondary institution" means a
18 person, business entity, nonprofit corporation or
19 governmental entity that operates educational programs
20 beyond secondary education;

21

1 (v) "State authorization reciprocity agreement"
2 means an agreement, as published by the Western Interstate
3 Commission for Higher Education on November 1, 2013, or
4 substantially similar to the version published on that
5 date, which allows post secondary institutions that meet
6 federal criteria to recruit, advertise, market and conduct
7 distance education across state lines with as few
8 restrictions as possible.

9

10 **Section 2.** W.S. 21-2-406(a)(iii), (iv) and by
11 creating a new paragraph (v) and 21-18-202(c) by creating a
12 new paragraph (ix) are amended to read:

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14 **21-2-406. Schools exempted; definition.**

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16 (a) This article does not apply to:

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18 (iii) Aircraft flight training schools approved
19 and authorized by the federal aviation agency of the United
20 States of America;~~or~~

21

1 (iv) A nondegree granting school teaching
2 techniques of outdoor recreation, leadership, ecology or
3 conservation domiciled in the state of Wyoming;~~;-~~ or

4
5 (v) A post secondary education institution
6 admitted, authorized and in good standing under the state
7 authorization reciprocity agreement pursuant to W.S.
8 21-18-226.

9
10 **21-18-202. Powers and duties of the commission.**

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12 (c) The commission shall perform the following
13 administrative functions:

14
15 (ix) Administer the state authorization
16 reciprocity agreement and admit authorized post secondary
17 institutions to participate under the agreement in
18 accordance with W.S. 21-18-226.

19
20 **Section 3.** For the period commencing on the effective
21 date of this act and ending June 30, 2016, up to thirty
22 thousand dollars (\$30,000.00) is appropriated from the

1 general fund to the Wyoming community college commission
2 for purposes of administering this act. The commission
3 shall include this appropriation as part of its standard
4 budget request commencing fiscal years 2016-2017 and 2017-
5 2018.

6

7 **Section 4.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12

(END)