

ARTICLE 2 - COMMUNITY COLLEGE COMMISSION

**21-18-201. Community college commission; created; composition; removal.**

- (a) The Wyoming community college commission is created.
- (b) The commission consists of seven (7) appointed members:
  - (i) Repealed By Laws 2000, Ch. 73, § 3.
  - (ii) No less than three (3) nor more than four (4) appointed members shall be from counties in which a community college district is located;
  - (iii) No more than seventy-five percent (75%) of the members shall be from the same political party.
- (c) The governor and the state superintendent of public instruction are ex officio nonvoting members of the commission.
- (d) Appointments to the commission shall be made by the governor with the advice and consent of the senate. Vacancies shall be filled by the governor as provided by W.S. 28-12-101. Commission members shall not be employees or trustees of a community college district. All terms of appointment shall be for four (4) years except appointments to fill unexpired terms. No person shall be appointed for more than two (2) full four (4) year terms plus any portion of a term served while filling a vacancy. The governor may remove any commission member as provided in W.S. 9-1-202.
- (e) A chairman and officers of the commission shall be elected biennially by the commission from its members.
- (f) The members of the commission shall be paid per diem and travel expenses while attending commission meetings at the same rate allowed members of the legislature. The commission shall meet at least four (4) times each fiscal year.
- (g) Any commissioner who does not attend at least fifty percent (50%) of scheduled commission meetings during any year commencing from the date of appointment is automatically removed from office. The director of the commission shall certify the

name of any commissioner who has not attended at least fifty percent (50%) of scheduled meetings during each appointment year to the governor who shall appoint a successor to fill the vacancy within two (2) weeks from the date of certification.

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

(a) The commission shall perform the following general functions:

(i) Advocate community college education to the office of the governor, the legislature, the University of Wyoming, public education agencies, the business sector and other appropriate entities;

(ii) Establish tuition rates for the community colleges;

(iii) Establish residency requirements, which shall include provisions for military veterans, eligible individuals and covered individuals as described in 38 U.S.C. 3679(c)(2) consistent with the requirements of W.S. 21-17-105(e). The commission shall provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition each semester the student receives the scholarship;

(iv) Maintain an administrative computing system contract and Internet or similar proprietary or common carrier electronic system access for members of the system;

(v) Develop and maintain a statewide college system strategic plan for the delivery of educational programs in Wyoming by each college pursuant to subsection (h) of this section;

(vi) In cooperation with the community colleges and the University of Wyoming, develop and maintain a common transcript and transfer process system that uses common course numbering for all undergraduate courses provided at the community colleges and the University of Wyoming. The development and ongoing maintenance of the statewide course numbering system, including determining course equivalencies, shall be accomplished with the assistance of appropriate committees that shall include faculty members and staff of the community colleges and the University of Wyoming. The system shall:

(A) Facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming;

(B) Offer functionality to transmit transcript information between the community colleges and the University of Wyoming;

(C) Extend to the community college commission, the Wyoming department of education, the department of workforce services and the University of Wyoming a statewide longitudinal education data system, which shall serve as a statewide exchange for management and analytical reporting in support of education and workforce outcomes;

(D) Use a common transcript and transfer process vendor;

(E) Use electronic course catalog software to ensure a consistent experience for students between the community colleges and the University of Wyoming. Each community college and the University of Wyoming may use different course catalog software. The software shall provide a search function for educational programs;

(F) Use course transfer software to support both in-state and out-of-state transfer students. The software shall be common across each community college and the University of Wyoming and shall provide a common database that provides identification and reconciliation of differences in curricula elements of courses with the same course number;

(G) Use curriculum process management software to facilitate and ensure consistency in curricula development and streamline the transfer process between a Wyoming community college and the University of Wyoming;

(H) Result in internal college or university planning and student program planning with required automated transfer among the community colleges and the University of Wyoming. The automated transfer shall allow automatic transcription of course credits among the community colleges and the University of Wyoming for those credits earned through the common course catalog system and within programs with articulation agreements between the community colleges and the University of Wyoming.

(b) The commission shall perform the following coordination functions. In performing these coordination functions all affected colleges and the commission shall be involved:

(i) Coordinate the submission of data to the integrated postsecondary education data systems;

(ii) Coordinate and maintain the common course numbering system;

(iii) Repealed By Laws 2003, Ch. 202, § 2.

(iv) Coordinate academic and vocational-technical programs offered by any community college in another community college service area when a physical presence will be established;

(v) Coordinate the provision by means of electronic internet or similar proprietary or common carrier electronic system technology, by a community college or several community colleges, the general education courses necessary for completion of an educational program in the field of nursing at a community college or a baccalaureate degree program in nursing at the University of Wyoming;

(vi) In addition to paragraph (iv) of this subsection and for any program requested by the board of county commissioners representing a community within the existing service area of any community college and that college has determined not to provide the requested program within the community, coordinate a response to the requesting board. Any community college shall refer the requested community program to the commission if it cannot provide the requested program. Upon referral, the commission shall provide a response under this paragraph;

(vii) Repealed by Laws 2009, Ch. 211, § 3.

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

(i) Create and maintain a funding allocation model by rule;

(ii) In accordance with W.S. 21-18-203(a), prepare budget requests for the operation and support of the colleges and the commission, and pursuant to W.S. 21-18-225, prepare budget requests for capital construction and major maintenance;

(iii) Disburse to the colleges state funds in accordance with W.S. 9-4-601(b) (iv) (A) and 21-18-205 and other funds under commission auspices;

(iv) Administer those functions explicitly assigned to the commission by statute;

(v) Appoint a director who shall perform duties as prescribed by the commission. In addition to duties assigned under this act, the director shall serve as an ex officio member of the University of Wyoming board of trustees and the state board of education. The director shall receive an annual salary as determined by the commission and approved by the governor. The director shall hire staff as required to carry out this act and as approved by the commission. Subject to legislative budget authorization staff salaries shall be established by the director with the approval of the commission;

(vi) Establish and promote accomplishment of statewide priorities for the college system in consultation with the colleges;

(vii) Subject to appropriation by the legislature, the commission shall fully fund a teaching faculty position whenever a community college commits to expanding its college-funded nursing program capacity by eight (8) students. A community college shall be eligible to apply for the funding under this paragraph only if enrollment in the nursing program of the applicant institution was not less than ninety-five percent (95%) of the total college-funded nursing program capacity at the beginning of the most recent fall academic semester. Funding provided under this paragraph for the specific purpose of expanding a nursing program capacity shall be reduced by an amount equal to that provided to fund one (1) teaching faculty position for every reduction of eight (8) full-time equivalent students in the college-funded nursing program, as determined by comparing the beginning enrollments of the two (2) most recent fall academic semesters. Funding reductions shall not exceed the total amount of funding provided to a community college under this paragraph. Any appropriation made for purposes of this paragraph shall, in accordance with W.S. 21-18-

205(e), be accounted for and distributed separately from the funding allocation model for community colleges;

(viii) Following public hearing, review and modify or maintain community college service areas provided all counties to be annexed to a college service area are contiguous to that service area. Determinations made under this paragraph shall be subject to review in accordance with the Wyoming Administrative Procedure Act;

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

(d) The commission shall perform the following approval functions:

(i) Approve all new academic programs, including applied baccalaureate degree programs, qualifying for state funding pursuant to the statewide community college strategic plan developed under subsection (h) of this section;

(ii) Review existing programs, determine the most effective and efficient delivery of programs qualifying for state funding pursuant to the statewide community college system strategic plan and terminate state funding for those programs which are inconsistent with the statewide community college system strategic plan;

(iii) Approve enlargement and formation of community college districts in accordance with W.S. 21-18-310 and 21-18-312;

(iv) Approve the format of community college budgets as provided in W.S. 16-4-104;

(v) Approve all new capital construction projects in excess of one hundred thousand dollars (\$100,000.00) for which state funds are or could be eventually applied. "New capital construction projects" include:

(A) New construction, renovation and capital renewal in excess of one hundred thousand (\$100,000.00) market value which is not necessary maintenance or repair;

(B) The acquisition of real property in excess of one hundred thousand dollars (\$100,000.00) market value whether by purchase or exchange; and

(C) Previously approved and uncompleted new capital construction projects which have increased in total cost by ten percent (10%) or more since cost estimates were developed at the time of initial project approval under this paragraph and W.S. 21-18-205(g).

(e) The commission shall perform the following review and report functions:

(i) Report the findings of institutional and specialized accreditation studies;

(ii) In addition to audits required of colleges under W.S. 16-4-121 and to ensure uniformity of audit procedures and reporting formats, conduct enrollment audits and report financial and enrollment audit findings to the legislature and governor. In carrying out this paragraph and maintaining the funding allocation model under paragraph (c)(i) of this section:

(A) The commission shall ensure uniform accounting in recording full-time equivalent students and reporting financial data;

(B) Each community college shall report information to the commission in a uniform, consistent and accurate manner as required by commission rule and regulation;

(C) The commission may participate in financial audits conducted by each community college and assist in the analysis of audit findings for subsequent reporting under this paragraph.

(iii) Review college districts and provide subsequent reports and recommendations to the governor and legislature in coordination with the regional accrediting agency;

(iv) Develop annual reports to the legislature on the outcomes of partnerships between colleges and the University of Wyoming and other entities;

(v)(A) The commission shall provide annual reports to the legislature and governor on the performance of individual community colleges and the college system as well as

on the achievement of statewide priorities as specified in the statewide college system strategic plan. The commission and the colleges shall work together in a collaborative effort in defining the report formats and the methodology and data elements required in preparing the reports and a reasonable time line for completion of reports;

(B) For the reporting effort under this paragraph, the commission shall maintain a management information system and each community college shall maintain accurate administrative records to provide the necessary data to the commission for these studies and reports. The colleges shall provide the commission with all data required in preparing each of the reports the commission shall request. The commission and the colleges shall safeguard all institutional and individual student record data under the provisions of the Privacy Act of 1974 and the Family Educational Rights and Privacy Act or subsequent similar enactments;

(C) Reports provided by the commission to the legislature and governor shall be attached with and aligned to the college system performance benchmarks, outcome measures and other performance indicators specified in and defined by the strategic plan.

(I) Repealed By Laws 2009, Ch. 211, § 3.

(II) Repealed By Laws 2009, Ch. 211, § 3.

(III) Repealed By Laws 2009, Ch. 211, § 3.

(IV) Repealed By Laws 2009, Ch. 211, § 3.

(V) Repealed By Laws 2009, Ch. 211, § 3.

(VI) Repealed By Laws 2009, Ch. 211, § 3.

(VII) Repealed By Laws 2009, Ch. 211, § 3.

(VIII) Repealed By Laws 2009, Ch. 211, § 3.

(IX) Repealed By Laws 2009, Ch. 211, § 3.

(X) Repealed By Laws 2009, Ch. 211, § 3.

(XI) Repealed By Laws 2009, Ch. 211, § 3.



(XII) Repealed By Laws 2009, Ch. 211, § 3.

(XIII) Repealed By Laws 2009, Ch. 211, § 3.

(D) Repealed By Laws 2009, Ch. 211, § 3.

(vi) The commission and the colleges shall collaborate to identify any additional areas of educational concerns which require data collection and reporting.

(f) The commission shall perform the following implementing functions:

(i) Establish reasonable timelines and deadlines for the submission of data requested by the commission;

(ii) Assure uniform college accounting practices in reporting data to the commission, through the use of national association of college and university business officers nomenclature;

(iii) Withhold not more than five percent (5%) of state appropriations from any college in noncompliance with this act or rules of the commission. Any such action shall be subject to the provisions of W.S. 16-3-114 and applicable rules of the Wyoming supreme court;

(iv) Advance collaboratively developed legislative proposals on behalf of the college system and commission to the legislature and the office of the governor;

(v) Adopt rules and regulations consistent with the provisions of this act as necessary to carry out its statutory duties and responsibilities.

(g) All decision making authority related to the operation of the community colleges which is not specifically granted to the commission by statute shall be reserved to the local boards.

(h) The commission shall prior to the beginning of each biennial budget period, review, update and modify the statewide college system strategic plan. The plan shall clearly prescribe the components of the educational program and attach program components to statewide system priorities. This plan shall serve as the basis for state operational and capital construction budget requests and funding of the statewide college system for

the applicable biennial budget period. In developing, reviewing and updating the strategic plan, the commission shall:

(i) Consult with the seven (7) community colleges, state and local governmental agencies and other agencies and organizations representing state economic and industry sectors;

(ii) Include mechanisms within the planning process which adhere to the state's interests in establishing a statewide college system identified as assuring statewide access to:

(A) Academic programs, including applied baccalaureate degree programs;

(B) Career-technical education and training programs;

(C) Dual and concurrent enrollment programs; and

(D) Remedial and continuing education programs responding to needs of students, employers and the state workforce, including program access through outreach or coordinated electronic system technology.

(iii) Develop performance benchmarks, outcome measures and other performance indicators which serve as the basis for annual reporting to the legislature and the governor under paragraph (e)(v) of this section, including but not limited to:

(A) Student goal attainment and retention;

(B) Student persistence;

(C) Degree and certificate completion rates;

(D) Placement rate of graduates in the workforce;

(E) Licensure and certification pass rates;

(F) Demonstration of critical literacy skills;

(G) Success in subsequent, related coursework;

(H) Number and rate of students who transfer.

(iv) Attach performance indicators to funding to achieve established results.

**21-18-203. Budget procedure.**

(a) In collaboration with the boards of the community colleges, the commission shall submit state appropriation requests on behalf of the community college system in compliance with the statewide community college system strategic plan. The standard budget request submitted by the commission for state aid to community colleges under W.S. 21-18-205 for the fiscal biennium commencing July 1, 2020 and every four years thereafter, shall be equal to the amount defined in W.S. 9-2-1002(a)(ix). A request for an enrollment adjustment to the standard budget for state aid to community colleges shall be submitted every four (4) years commencing in the fiscal biennium beginning July 1, 2018. The enrollment adjustment shall be based solely upon the calculation under subsection (e) of this section. The budget requests shall be made upon forms and in a format to be determined by the state budget department.

(b) Repealed By Laws 2000, Ch. 33, § 2.

(c) To facilitate its appropriation request, the community college commission shall hold at least one (1) budget hearing for the community colleges.

(d) Repealed By Laws 2000, Ch. 73, § 3.

(e) An enrollment adjustment request shall be based upon changes in annual weighted average enrollment and only for variable costs. An enrollment adjustment request for a percentage increase or decrease to a standard budget base amount for annual weighted average enrollment shall be calculated as follows:

(i) The variable cost percentage determined pursuant to W.S. 21-18-205(c) multiplied by a fraction, the numerator of which is the difference in the annual weighted average enrollment for the three (3) most recent academic years and the annual weighted average enrollment at the time of last enrollment adjustment request submitted pursuant to this subsection, the denominator of which is the annual weighted average enrollment at the time of the last enrollment adjustment request submitted pursuant to this subsection;

(ii) The standard budget enrollment adjustment request submitted for the fiscal biennium commencing July 1, 2018 shall apply the formula in paragraph (i) of this subsection, with the substitution of annual weighted average enrollment for fiscal years 2013, 2014 and 2015 in lieu of the "annual weighted average enrollment at the time of the last enrollment adjustment request submitted pursuant to this subsection";

(iii) Any funding increase or decrease as determined by the state legislature shall be distributed in proportion to the funding amounts determined in W.S. 21-18-205(c).

(f) In preparing the estimates under W.S. 9-3-210(c), the community college commission shall submit an exception budget request for health insurance funding needs related to the addition of any benefitted positions created during the preceding fiscal year at the colleges in the commission's budget request for the subsequent fiscal year.

**21-18-204. Commission and districts subject to public records provisions; Uniform Municipal Fiscal Procedures Act.**

(a) The commission and the community college districts are subject to the provisions of W.S. 16-4-201 through 16-4-205.

(b) The community college districts are subject to the provisions of the Uniform Municipal Fiscal Procedures Act. Audits for each community college required by W.S. 16-4-121 shall be performed by independent auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. The independent auditors shall submit audit findings to the college board of trustees, the commission and the state budget department. Questions by the commission regarding audits shall be submitted to the community colleges for response.

**21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.**

(a) To qualify for state funding, a community college shall:

(i) Be accredited academically by the regional accrediting agency; and

(ii) Provide for a levy of four (4) mills on the taxable valuation of the district for the regular support and operation of the community college in the year for which the appropriation is requested.

(b) A biennial funding report shall be provided by each community college to the community college commission at the beginning of each biennium in a form and format determined by the commission. Any amendments to the report shall be provided to the commission immediately after adoption by the board.

(c) State funding for the assistance of community colleges shall be appropriated to the community college commission unless otherwise specified by law. Subject to the provisions of this section, funds appropriated for each biennium shall be distributed by the commission to community colleges in amounts determined by a funding allocation model adopted by rule of the commission. Funding allocation model components for fixed and variable costs shall be defined by and computed in accordance with guidelines and procedures prescribed by rule and regulation of the commission, applied to the distribution of state appropriations for each biennial budget period and reallocated at a schedule specified by rule and regulation of the commission, but in no event less than once every four (4) years. The commission may maintain a contingency reserve account utilizing any revenue derived under W.S. 9-4-601(b)(iv)(A) to be distributed as a component of the funding allocation model for specific use by the colleges for emergency repairs and preventive maintenance.

(i) Repealed By Laws 2000, Ch. 33, § 2.

(ii) Repealed By Laws 2000, Ch. 33, § 2.

(iii) Repealed By Laws 2000, Ch. 33, § 2.

(iv) Repealed By Laws 2000, Ch. 33, § 2.

(d) Repealed By Laws 2000, Ch. 33, § 2.

(e) The commission may by exception budget, request additional state funding to be designated as special purpose funding, accounted for and distributed separately from distributions under the funding allocation model. Special purpose funding under this subsection shall be limited to amounts and for the period of time specified by the legislature and shall not be included in any subsequent biennial budget

unless specifically requested by the commission and approved by the legislature. Funds appropriated pursuant to this subsection shall be distributed in amounts and at times determined by the commission, subject to the following:

(i) Special purpose funding, accounted for separately, to be designated as adjustments to funding allocation model distributions for the effects of enrollment growth shall not be transferred to or expended for any other purpose. Any amount of this special purpose funding request remaining unexpended or unencumbered at the end of the budget period for which appropriated shall revert according to law;

(ii) Special purpose funding may be requested under this subsection for use by the commission in funding new programs addressing unanticipated and emerging statewide needs during the biennial budget period which are consistent with the statewide community college system strategic plan. Funds appropriated by the legislature for purposes of this paragraph shall be accounted for separately and shall not be transferred or expended for any other purpose or as part of state assistance under subsection (c) of this section. Any unexpended or unencumbered amount of special purpose funding under this paragraph remaining at the end of the budget period for which appropriated shall revert as provided by law.

(f) Up to fifteen percent (15%) of each community college's unrestricted operating funds for a biennium may be carried forward into the next biennium by each community college. The cumulative total amount of unrestricted operating funds carried forward from previous bienniums shall never exceed fifteen percent (15%) of the community college's current biennium unrestricted operating funds. Funds carried forward in accordance with this subsection shall not lapse pursuant to W.S. 9-4-207.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of one million five hundred thousand dollars (\$1,500,000.00) which was not approved by the commission and authorized by the legislature.

(h) The commission may request funding for and shall distribute funds to colleges as provided in the Wyoming works program. Funds requested for the Wyoming works program shall be requested by an exception budget and designated as separate special funding for the Wyoming works program only. Funds

distributed pursuant to the Wyoming works program shall be accounted for and distributed separately from the funding allocation model under subsection (c) of this section and from special funding distributed pursuant to subsection (e) of this section.