

CHAPTER 5 RULES ADMINISTRATIVE FUNCTIONS

Section 1. Authority.

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

Section 2. Applicability.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

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

(i) The basis for fiscal-year 2011 and fiscal-year 2012 funding shall be the sum of:

(A) The 2009-2010 biennial budget appropriation for state aid to community colleges, adjusted by:

(I) Subtraction of the portion of the budget appropriation restricted to reimbursement of community college employee health insurance premiums;

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

(III) Recapture and redistribution of state aid as calculated in August 2009; and

(IV) Net adjustments to the 2011-2012 base by the Budget Division of the Department of Administration and Information.

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

(I) Actual 4-mill revenue for fiscal-year 2009, and 99 percent of 4-mill revenue calculated against the 2009 certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2009; and

(III) Two times the amount of actual other revenue for fiscal-year 2009.

CHAPTER 5 RULES ADMINISTRATIVE FUNCTIONS

Section 1. Authority.

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

Section 2. Applicability.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

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

(i) The basis for fiscal-year 2011 and fiscal-year 2012 funding shall be the sum of:

(A) The 2009-2010 biennial budget appropriation for state aid to community colleges, adjusted by:

(I) Subtraction of the portion of the budget appropriation restricted to reimbursement of community college employee health insurance premiums;

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

(III) Recapture and redistribution of state aid as calculated in August 2009; and

(IV) Net adjustments to the 2011-2012 base by the Budget Division of the Department of Administration and Information.

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

(I) Actual 4-mill revenue for fiscal-year 2009, and 99 percent of 4-mill revenue calculated against the 2009 certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2009; and

(III) Two times the amount of actual other revenue for fiscal-year 2009.

(ii) For each community college, the sum of the adjusted 2009-2010 biennial budget appropriation for state aid and the community college district revenue shall be divided by two to establish annual college-specific base funding amounts.

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

(A) Definitions of fixed and variable costs:

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

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

(III) The calculation of fixed and variable cost percentages is based on the functional costs incurred by each community college. Once the standard percentages (see below) are applied to each community college's functional category costs, the fixed costs by function are summed to produce a total, and the variable costs by function are summed to produce a separate total. The two totals are summed to produce the total relevant costs for the community college. The fixed and variable percentages are determined by dividing those respective totals into the total costs for the community college.

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

Instruction – 35 percent fixed and 65 percent variable;

Service – 0 percent fixed and 100 percent variable;

Academic support – 80 percent fixed and 20 percent variable;

Student services – 70 percent fixed and 30 percent variable;
Institutional support – 90 percent fixed and 10 percent variable;
Plant operations and maintenance – 95 percent fixed and 5 percent variable;
Student financial aid – 0 percent fixed and 100 percent variable;
Mandatory transfers – 100 percent fixed and 0 percent variable; and
Extension operations – 0 percent fixed and 100 percent variable

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

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

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

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

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

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

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

(C) Percentages established for each community college:
Casper College – 57.5 percent fixed and 42.5 percent variable;
Central Wyoming College – 60.6 percent fixed and 39.4 percent variable;
Eastern Wyoming College – 57.2 percent fixed and 42.8 percent variable;
Laramie County Community College – 57.0 percent fixed and 43.0 percent variable;
Northwest College – 58.1 percent fixed and 41.9 percent variable;
Northern Wyoming Community College District – 58.6 percent fixed and 41.4 percent variable; and
Western Wyoming Community College – 63.2 percent fixed and 36.8 percent variable

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

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

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

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

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

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

(A) The base period system-wide credit hour revenue shall be multiplied by the percentage of the system-wide adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and the system-wide community college district revenue. The product of this shall be the state-funded system-wide credit hour revenue.

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

(A) Academic years 2008 and 2009 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2008 and 2009 Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2008 and 2009 Level Three credit hours multiplied by a factor of 2.0.

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

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

(A) multiplying the base period college-specific average weighted credit hours by the base period system-wide credit hour revenue, and then multiplying this product by the percentage of the community college's adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue; and

(B) multiplying the difference between the current annual college-specific weighted credit hours and the base period college-specific average weighted credit hours (which represents enrollment growth to date) by the state-funded system-wide credit hour revenue.

(x) For both fiscal-year 2011 and fiscal-year 2012, college-specific fixed costs state funding shall be calculated by multiplying the fixed costs portion of the annual college-specific base funding amounts by the percentage of the college's adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xi) If the sum of system-wide variable costs state funding and system-wide fixed costs state funding exceeds the system-wide adjusted 2009-2010 biennial budget appropriation for state aid, the difference shall be attributed to enrollment growth, and such difference can only be funded by means of an approved exception budget request.

(xii) Amounts of the system-wide adjusted 2009-2010 biennial budget appropriation not distributed under the funding allocation model shall be distributed proportionately based on variable costs state funding for base period enrollment.

(xiii) For fiscal-year 2011 and/or fiscal-year 2012, external cost adjustments can be applied to variable costs state funding and/or fixed costs state funding. The external cost adjustment for variable costs state funding shall be based upon the Employment Cost Index for post-secondary institutions, and for fiscal-year 2011 and fiscal-year 2012, the calculated annual rate is 3.0 percent. The external cost adjustment for fixed costs state funding shall be based upon the Consumer Price Index, and for fiscal-year 2011 and fiscal-year 2012, the calculated annual rate is 1.4 percent. The application of any external cost adjustment will necessarily increase the demand for state funding, and accordingly, any such increase can only be funded by means of an approved exception budget request.

(A) External cost adjustments can also be applied to state funding of Wyoming Public Television. However, given that enrollment is not a factor in Wyoming Public Television's operations, the external cost adjustment shall be based solely upon the Consumer Price Index, and for fiscal-year 2011 and fiscal-year 2012, the calculated rate is 1.4 percent.

(xiv) For fiscal-year 2011 and fiscal-year 2012, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2009-2010 biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2011-2012 biennial budget request.

(xv) A spreadsheet depicting the operation of the funding allocation model for 2011-2012 shall be included in the *Fiscal Handbook*.

(xvi) The enrollment growth funding pool is intended to provide variable costs state funding for increased enrollment and/or course completion in a more timely fashion than recognition of increased enrollment and/or course completion during preparation of the subsequent biennial budget request. The Commission shall determine the respective proportions of the enrollment growth funding pool available for increased enrollment and for course completion. Funding for the pool shall be an exception budget request, with any unspent balance subject to reversion.

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

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

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

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

(xvii) For biennia after 2011-2012, the funding allocation model shall operate in the same manner as described above, except for the following:

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

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

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

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

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

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

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

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

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

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

(A) Each community college's share of the distribution shall be based on its proportionate share of the most recent Commission-initiated calculation of system-wide gross square footage for education and general facilities (excluding auxiliary facilities).

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

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

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

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

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

(C) The Commission shall evaluate the sufficiency of funding in the health insurance premium benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the 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 colleges' reimbursement shall be reduced in an amount proportionate to its share of system-wide eligible employees as of the month of January in odd-numbered years.

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

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

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

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

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

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

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

Section 4. Preparing Commission and Community College Budget Requests.

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

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

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

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

(i) The budget request model shall be derived from that principle, and it shall consist of

two components: the standard budget request and the exception budget request. The step-by-step procedures for calculation of both types of requests are outlined in Section 3 of the Rules - Creating and Maintaining a Funding Allocation Model.

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

(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.

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

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

(II) Additional variable costs state funding (i.e., special purpose funding) in recognition of enrollment growth realized in the academic year immediately preceding the biennium but after preparation of the biennial budget request, as well as enrollment growth realized in the first academic year of the biennium. As with all other enrollment calculations, a two-year average shall be used. Any undistributed balance of this enrollment growth funding pool shall revert at the end of the biennium.

(III) External cost adjustments for variable costs state funding based on the Employment Cost Index for post-secondary institutions. The adjustments may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

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

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

(VI) Project design and planning funds intended to offset the additional expenses incurred by the community colleges in developing and providing necessary plans, designs and other information on capital construction projects to the General Services Division of the Department of Administration and Information.

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

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

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

(e) The Executive Director shall report to the Commission and the community colleges on action taken by the Governor and the Legislature on requests for state appropriations.

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

Section 5. Disbursing State and Other Funds.

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

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

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

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

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

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

Section 6. Biennial Funding Report.

“A biennial funding report shall be provided by each community college to the community college commission at the beginning of each biennium in a form and format determined by the commission. Any amendments to the report shall be provided to the commission immediately after adoption by the board.” (W.S. 21-18-205(b))

Section 7. Establishing and Promoting Statewide Priorities.

The Commission shall collaborate with college trustees, college administrators, the Governor’s office, the legislature, and community and business leaders to determine statewide priorities that conform to interests that shall be addressed by the statewide college system. strategic plan.

Section 8. Administering the Wyoming Investment in Nursing Program.

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

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

(c) Eligibility

(i) Applicants must be residents of the state of Wyoming as defined in W.S. 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;

(ii) Applicants must be accepted into a nursing program in a Wyoming community college, the University of Wyoming, or in a doctoral degree program in an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited; and

(iii) Applicants must apply for federal financial assistance and any employer-based financial assistance for which the applicant may be eligible.

(iv) Any person beginning a nursing education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and as long as funding is available. Funding for an undergraduate nursing program at a Wyoming college or the University of Wyoming will be for a maximum of two years.

(d) Criteria for Application

(i) Subject to the availability of funds appropriated, loans may be awarded to the following applicants;

(A) An applicant who is accepted into a Wyoming licensed practical nurse or registered nurse education program or a baccalaureate degree program in nursing may be eligible for a loan to pay the unmet need, as determined by the Commission or its designee, of attendance at the

licensed practical nursing education program or the registered nursing education program leading to an associate's or baccalaureate degree;

(B) A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree, with a preference given to a registered nurse currently teaching at the University of Wyoming or a Wyoming college, and the registered nurse is accepted into a nursing education program at the University of Wyoming leading to a master's degree in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a master's degree program, the applicant shall agree to repay the loan by teaching at a Wyoming college or the University of Wyoming. If the applicant registered nurse is not accepted into a nursing education program at the University of Wyoming and upon approval of the Commission, the applicant registered nurse may be accepted into an accredited nursing education program at a university located outside of the state. Loans awarded for applicants accepted into programs outside of Wyoming shall not exceed the loan amounts available for programs at the University of Wyoming; or

(C) A registered nurse with a master's degree in nursing who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a master's degree in nursing and is accepted into a nursing education program at an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited leading to a doctorate level degree in nursing may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a doctorate level degree program, the applicant shall agree to repay the loan by teaching at the University of Wyoming.

(e) Application Form

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

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

(f) Selection Process

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

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

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow

students to complete the program in which they enrolled;

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

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

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

(g) Limits on Loan Amounts

(i) A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant, any employer-based financial assistance received by the applicant, and any other public or private financial aid that is provided to the applicant as a scholarship or grant.

(ii) When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.

(h) Interest

(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.

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

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

(i) Loan Terms

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

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

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

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

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

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

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

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

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

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

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

(j) Terms of Repayment

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

(ii) A student may repay the loan without cash payment by working in Wyoming as a nurse, if the loan was for an undergraduate degree, or nurse educator, if the loan was for a graduate degree, as provided in (j)(iii) of this subsection, and except for graduate students as provided in (j)(iv) of this section. To qualify as repayment under this subsection, work shall be performed within the following time periods which begin with the calendar month following the month in which the student completed the academic program:

(A) If the loan can be repaid with work of two (2) years or less, within three (3) years;

(B) If the loan can be repaid with work of greater than two (2) years, but no more than four (4) years, within five (5) years;

(C) If the loan can be repaid with work of greater than four (4) years, within the amount of time the loan could be repaid, plus two (2) years.

(iii) Qualified work under (j)(ii) of this section shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment, or twelve thousand dollars (\$12,000.00) of the loan,

whichever is less. Qualified work shall be credited on a proportional basis.

(iv) A recipient of a WYIN loan and attending a master's or doctorate nursing level program may begin loan repayment through qualified work as authorized under subsection j (ii) and (iii) of this section concurrently with enrollment in the nursing education program, subject to the following:

(A) If the recipient is enrolled in a master's nursing degree program, the recipient shall perform qualified work at a Wyoming college or the University of Wyoming concurrently with enrollment in the nursing education program and for not less than one (1) year following completion of the education program;

(B) If the recipient is enrolled in a doctorate nursing degree program, the recipient shall perform qualified work at the University of Wyoming concurrently with enrollment in the nursing education program and for not less than two (2) years following completion of the education program;

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

(vi) Any student in the WYIN Program who fails:

(A) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the student leaves the academic program;

(B) To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully passing the appropriate certification or licensure examination shall commence cash repayment of the loan within one hundred twenty (120) days after successfully passing the appropriate certification or licensure examination;

(C) To pass the appropriate certification or licensure examination on the first attempt may retake the examination at the next available opportunity before commencing repayment of the loan. The student shall notify the Commission or its designated financial institution of the intent to retake the examination and the date the examination will be taken. Any student in the WYIN Program who fails the examination after the second attempt shall commence cash repayment of the loan within forty-five (45) days after receipt of notification of the second failure by the board of nursing. If the student in the WYIN Program who fails the examination on the first attempt does not retake the examination at the next available opportunity, cash repayment shall commence within forty-five (45) days after the next available examination is conducted.

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

(viii) Cash repayment of loans and interest thereon shall be credited to the general fund.

(k) Process for Cash Repayment. The process and schedule for cash repayment under (j) 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.

(l) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Review and Reporting

(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. § 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program.

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

(n) Expiration. This program shall expire on June 30, 2011.

Section 9. Administering the Teacher Shortage Loan Repayment Program.

(a) This Section is promulgated under authority of WYO. STAT. § 21-7-601 and WYO. STAT. § 21-18-202.

(b) Purpose. The purpose of the Wyoming Teacher Shortage Loan Repayment Program (TSLR Program) is to make funds available to individuals who wish to pursue a career in education and to alleviate a shortage of mathematics, science, foreign language, special education, reading or English as a second language teachers within the state.

(c) Eligibility

(i) Applicants shall have a Wyoming residence as defined in W.S. § 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;

(ii) Applicants must be enrolled in good standing (admitted) in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics, science, foreign language teacher or eligibility for an additional endorsement to teach reading or English as a second language. If in a program leading to certification, must have class standing of at least a junior for the first semester for which application for a loan under this program is made; and

(iii) If in a program leading to certification, applicants must apply for federal financial assistance.

(iv) Any person beginning a teacher education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and funds are available. Funding will be for a maximum of the equivalent of two full-time academic years for mathematics, science, foreign language, reading or English as a second language students and three full-time academic years for special education students assuming funds are appropriated by the legislature.

(d) Criteria for Application. Subject to the availability of funds appropriated, loans may be awarded to an applicant who meets the criteria of Section 4(a) through (c) to pay the unmet needs of attendance as determined by the Commission or its designee in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics, science, foreign language, or leading to endorsement as a reading or English as a second language teacher.

(e) Application Form

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

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

(f) Selection Process

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

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

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

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

(g) Limits on Loan Amounts

(i) A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant and any other public or private financial aid that is provided to the applicant as a scholarship or grant.

(ii) When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.

(h) Interest

(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.

(ii) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. § 39-16-108(b) for determining the interest rate on delinquent use taxes.

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

(i) Loan Terms

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

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

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

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

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

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

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

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

(A) Verification by the Professional Teaching Standards Board of appropriate teacher certification in special education, mathematics or science; and

(B) Verification by a Wyoming public school principal of successful employment in a public school in Wyoming teaching special education, mathematics or science at least 50% of the working hours.

(j) Terms of Repayment

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

(ii) A student may repay the loan without cash payment by performing qualified work as a special education, mathematics, science, foreign language, reading or English as a second language teacher subject to (j)(iii). To qualify as repayment, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

(iii) Qualified work shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment or the equivalent if the student was enrolled less than full-time. Full-time employment means a full-time position teaching at least 50% of working hours during a full academic year as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language in a Wyoming public school. Teaching more or less than a full academic year, while teaching at least 50% of working hours as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language shall be credited on a proportional basis.

(iv) Qualified work shall be verified by the Commission's designated financial institution by having received letter from the student's employer stating the person is currently or has been employed as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language. This letter must be submitted annually.

(v) Any student in a TSLR Program loan who fails:

(A) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the student leaves the academic program;

(B) To obtain employment in the targeted occupation for which the person received the education within two hundred forty (240) days after successfully obtaining the appropriate certification, shall commence cash repayment of the loan within two hundred eighty-five (285) days after successfully obtaining the appropriate certification.

(C) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.

(vi) Subject to the above cash repayment provision, the TSLRP loan is repayable in equal or graduated periods installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the teacher education program.

(vii) Cash repayment of loans and interest thereon shall be credited to the school foundation program account.

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

(l) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Review and Reporting

(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program. The report shall include information submitted by the professional teaching standards board regarding the impact of the program on identified teacher shortage areas and recommendations for modifications to the program, including funding levels, to address other identified teacher shortage areas.

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

(n) Expiration. This program shall expire on June 30, 2011.

Section 10. Administering the Tuition Benefit for Vietnam Veterans, Overseas Combat Veterans and Surviving Spouses and Orphans.

(a) Authority. This section is promulgated under authority of WYO. STAT. § 19-14-106.

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

(c) Definitions.

(i) "Academic year" in this section means the twelve (12) month period beginning with the commencement of the fall semester for the University of Wyoming and with the commencement of the summer semester for community colleges.

(ii) "Overseas combat veteran" means a person other than a Vietnam veteran who was a resident of Wyoming for at least one (1) year immediately prior to entering into active service, who is an honorably discharged veteran who served in the military service of the United States and who was awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any armed conflict in a foreign country.

(iii) "Combat veteran surviving spouse" means a person who is a surviving spouse of any overseas combat veteran when the overseas combat veteran was a resident of Wyoming for at least one (1) year immediately prior to entering active service and the overseas combat veteran died during active service;

(iv) "Combat veteran surviving orphan" means a person who is a surviving orphan of any overseas combat veteran and who was under twenty-one (21) years of age at the time his parent died in overseas combat during active service;

(v) "Vietnam veteran" means any person who was in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and received a discharge from the military forces of the United States other than dishonorably; and has been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section.

(vi) "Vietnam veteran surviving spouse" means a person who is a surviving spouse of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.

(vii) “Vietnam veteran surviving child” means a person who is a surviving child of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.

(d) Eligibility.

(i) Vietnam Veteran. A Vietnam veteran is eligible for educational benefits under this section, under the following conditions:

(A) Must have been in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and

(B) Must have received a discharge from the military forces of the United States other than dishonorably; and

(C) Must have been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section; and

(D) Must not be receiving educational benefits under the Servicemen’s Readjustment Act of 1944, as amended, for any credit or vocational education course for which the Vietnam veteran registers.

(ii) Vietnam Veteran Surviving Spouse. A Vietnam veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:

(A) Must be the surviving spouse of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and

(B) Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or

(C) Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.

(iii) Vietnam Veteran Surviving Child. A Vietnam veteran surviving child is eligible for educational benefits under this section, under the following conditions:

(A) Must be the surviving child of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and

(B) Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or

(C) Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.

(iv) Overseas Combat Veteran. An overseas combat veteran is eligible for educational benefits under this section, under the following conditions:

(A) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(B) Must not be a Vietnam veteran; and

(C) Must be honorably discharged from active military service; and

(D) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country.

(v) Combat Veteran Surviving Spouse. A combat veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:

(A) Combat Veteran Surviving Spouse must be the surviving spouse of an overseas combat veteran.

(B) The overseas combat veteran must have met the following criteria:

(I) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(II) Must not have been a Vietnam veteran; and

(III) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and

(IV) Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or

(V) Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or

(VI) Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.

(vi) Combat Veteran Surviving Orphan. A combat veteran surviving orphan is eligible for educational benefits under this section, under the following conditions:

(A) Applicant must be under twenty-one (21) years of age at the time the veteran parent died in overseas combat during active military service; and

(B) Applicant must be an orphan of an overseas combat veteran; and

(C) The overseas combat veteran must have met the following criteria:

(I) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(II) Must not have been a Vietnam veteran; and

(III) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and

(IV) Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or

(V) Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or

(VI) Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.

(e) Application Process.

Vietnam veterans, overseas combat veterans and surviving spouses and orphans shall apply for the educational benefit under this section with the eligible institution in (f)(i)(B) and will provide the appropriate documentation to establish eligibility.

(f) Educational Benefits.

(i) Vietnam veterans will be eligible for free tuition for not more than ten (10) semesters for any credit or vocational educational course for which the Vietnam veteran registers.

(ii) Vietnam veteran surviving spouses and children will be eligible for free tuition, matriculation and other fees for courses of instruction at any state institution in elementary, secondary and college grades, business colleges, state vocational training schools or other educational institutions of the State of Wyoming the which would tend to enable the individual to engage in any useful trade, occupation or profession,

(iii) Overseas combat veterans will be eligible under this section for free tuition and fees for not more than ten (10) semesters for any credit course for which the overseas combat veteran registers subject to the following provisions:

(A) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(B) Shall not be eligible after more than ten (10) academic years after the date the veteran completes military service; and

(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(iii) Combat veteran surviving spouses are eligible for free tuition and fees subject to the following provisions:

(A) Shall not be eligible for more than ten (10) semesters for any credit course for which the surviving spouse registers; and

(B) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(iv) Combat veteran surviving orphans are eligible for free tuition and fees subject to the following provisions:

(A) Shall not be eligible to apply for the first semester of free tuition under this section more than three (3) academic years after:

(I) For a high school graduate, the graduation date of the student's high school class, except for good cause, or;

(II) For a student with a General Educational Development (GED) diploma or for a student who was home schooled, the high school graduation date of students of the same age, except for good cause; and

(B) Shall not be eligible for more than ten (10) semesters for any credit course for which the combat veteran surviving orphan registers; and

(C) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(D) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(E) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(g) Reimbursement.

Tuition and fees for overseas combat veterans, combat veteran surviving spouses and combat veteran surviving orphans under this section will be reimbursed by the Community College Commission to the University of Wyoming or one of the Wyoming community colleges, subject to the availability of funds appropriated.

(i) Reimbursement requests, accompanied by a Certificate of Eligibility provided by the Community College Commission, will be processed for payment on a semester basis by the Commission; and

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

(h) Exemptions for Good Cause.

Any combat veteran surviving orphan may be exempt from the deadline for applying for educational benefits as outlined in (f)(iv)(A) of this section if the orphan:

(i) Enters into active military duty in the U.S. Armed Forces; or

(ii) Enters into a formalized religious service; or

(iii) Can demonstrate in writing, to the financial aid director of the University of Wyoming or a community college, other good cause.

(i) Review and Reporting.

(i) The community college commission shall submit a report to the joint appropriations and the joint education interim committees by October 1, 2006 and annually thereafter on October 1.

(ii) The report shall identify the actions taken and monies expended pursuant to this act.

Section 11. Administering Maintenance and Capital Construction Funding.

(a) Under authority of W.S. 21-18-225, this section addresses the development and submission methods of a prioritized list of community college capital construction projects and its submission to the state building commission.

(b) The list shall include only necessary building square footage required for provision of those education programs comprising the statewide college system strategic plan developed and maintained by W.S. 21-18-202 (a)(v).

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

(d) The Commission shall provide guidelines and format for community colleges to use in developing their prioritized capital construction and major maintenance lists which are correlated to the statewide college system strategic plan.

(e) The Commission shall provide access to a statewide community college building database.

(i) Community colleges shall provide annual updates to the system database which provide comprehensive descriptions of colleges built environments.

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

(f) The Commission shall identify and implement a forecasting model to assist community colleges in computing future student enrollments and related building needs.

(g) The statewide college system strategic plan shall guide the comprehensive assessment of community college buildings and future space requirements.

(h) Community colleges shall submit requests for modification of capital construction priorities to the commission in writing and according to the lead time necessary to meet subsequent reporting deadlines.

(i) The Commission shall identify and implement a uniform, industry recognized method for computation of square footage eligible for major maintenance funding.

Section 12. Distributing State Funds for Capital Construction.

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

(b) The Commission shall take under consideration the potential need for cost adjustments due to inflationary forces which may produce cost differentials between planning phases and commencement of construction. Any adjustments shall be based on a recognized construction industry index.

(i) Community colleges shall notify the commission in writing should the need for such consideration occur.

(c) Community colleges shall provide sufficient, final and verifiable third party documentation regarding the receipt of local funding available for immediate use for capital construction projects prior to the release of legislatively approved state funds.

(i) The Commission's *Facilities Handbook* shall be referenced for information regarding the actual distribution or payment schedules of state funds for capital construction.

(d) Community colleges shall work directly with the general services division with regard to submission of information regarding construction phases that require division approval including change orders.

(ii) For each community college, the sum of the adjusted 2009-2010 biennial budget appropriation for state aid and the community college district revenue shall be divided by two to establish annual college-specific base funding amounts.

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

(A) Definitions of fixed and variable costs:

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

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

(III) The calculation of fixed and variable cost percentages is based on the functional costs incurred by each community college. Once the standard percentages (see below) are applied to each community college's functional category costs, the fixed costs by function are summed to produce a total, and the variable costs by function are summed to produce a separate total. The two totals are summed to produce the total relevant costs for the community college. The fixed and variable percentages are determined by dividing those respective totals into the total costs for the community college.

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

Instruction – 35 percent fixed and 65 percent variable;

Service – 0 percent fixed and 100 percent variable;

Academic support – 80 percent fixed and 20 percent variable;

Student services – 70 percent fixed and 30 percent variable;
Institutional support – 90 percent fixed and 10 percent variable;
Plant operations and maintenance – 95 percent fixed and 5 percent variable;
Student financial aid – 0 percent fixed and 100 percent variable;
Mandatory transfers – 100 percent fixed and 0 percent variable; and
Extension operations – 0 percent fixed and 100 percent variable

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

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

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

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

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

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

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

(C) Percentages established for each community college:
Casper College – 57.5 percent fixed and 42.5 percent variable;
Central Wyoming College – 60.6 percent fixed and 39.4 percent variable;
Eastern Wyoming College – 57.2 percent fixed and 42.8 percent variable;
Laramie County Community College – 57.0 percent fixed and 43.0 percent variable;
Northwest College – 58.1 percent fixed and 41.9 percent variable;
Northern Wyoming Community College District – 58.6 percent fixed and 41.4 percent variable; and
Western Wyoming Community College – 63.2 percent fixed and 36.8 percent variable

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

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

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

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

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

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

(A) The base period system-wide credit hour revenue shall be multiplied by the percentage of the system-wide adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and the system-wide community college district revenue. The product of this shall be the state-funded system-wide credit hour revenue.

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

(A) Academic years 2008 and 2009 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2008 and 2009 Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2008 and 2009 Level Three credit hours multiplied by a factor of 2.0.

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

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

(A) multiplying the base period college-specific average weighted credit hours by the base period system-wide credit hour revenue, and then multiplying this product by the percentage of the community college's adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue; and

(B) multiplying the difference between the current annual college-specific weighted credit hours and the base period college-specific average weighted credit hours (which represents enrollment growth to date) by the state-funded system-wide credit hour revenue.

(x) For both fiscal-year 2011 and fiscal-year 2012, college-specific fixed costs state funding shall be calculated by multiplying the fixed costs portion of the annual college-specific base funding amounts by the percentage of the college's adjusted 2009-2010 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xi) If the sum of system-wide variable costs state funding and system-wide fixed costs state funding exceeds the system-wide adjusted 2009-2010 biennial budget appropriation for state aid, the difference shall be attributed to enrollment growth, and such difference can only be funded by means of an approved exception budget request.

(xii) Amounts of the system-wide adjusted 2009-2010 biennial budget appropriation not distributed under the funding allocation model shall be distributed proportionately based on variable costs state funding for base period enrollment.

(xiii) For fiscal-year 2011 and/or fiscal-year 2012, external cost adjustments can be applied to variable costs state funding and/or fixed costs state funding. The external cost adjustment for variable costs state funding shall be based upon the Employment Cost Index for post-secondary institutions, and for fiscal-year 2011 and fiscal-year 2012, the calculated annual rate is 3.0 percent. The external cost adjustment for fixed costs state funding shall be based upon the Consumer Price Index, and for fiscal-year 2011 and fiscal-year 2012, the calculated annual rate is 1.4 percent. The application of any external cost adjustment will necessarily increase the demand for state funding, and accordingly, any such increase can only be funded by means of an approved exception budget request.

(A) External cost adjustments can also be applied to state funding of Wyoming Public Television. However, given that enrollment is not a factor in Wyoming Public Television's operations, the external cost adjustment shall be based solely upon the Consumer Price Index, and for fiscal-year 2011 and fiscal-year 2012, the calculated rate is 1.4 percent.

(xiv) For fiscal-year 2011 and fiscal-year 2012, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2009-2010 biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2011-2012 biennial budget request.

(xv) A spreadsheet depicting the operation of the funding allocation model for 2011-2012 shall be included in the *Fiscal Handbook*.

(xvi) The enrollment growth funding pool is intended to provide variable costs state funding for increased enrollment and/or course completion in a more timely fashion than recognition of increased enrollment and/or course completion during preparation of the subsequent biennial budget request. The Commission shall determine the respective proportions of the enrollment growth funding pool available for increased enrollment and for course completion. Funding for the pool shall be an exception budget request, with any unspent balance subject to reversion.

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

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

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

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

(xvii) For biennia after 2011-2012, the funding allocation model shall operate in the same manner as described above, except for the following:

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

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

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

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

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

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

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

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

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

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

(A) Each community college's share of the distribution shall be based on its proportionate share of the most recent Commission-initiated calculation of system-wide gross square footage for education and general facilities (excluding auxiliary facilities).

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

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

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

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

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

(C) The Commission shall evaluate the sufficiency of funding in the health insurance premium benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the 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 colleges' reimbursement shall be reduced in an amount proportionate to its share of system-wide eligible employees as of the month of January in odd-numbered years.

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

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

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

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

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

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

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

Section 4. Preparing Commission and Community College Budget Requests.

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

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

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

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

(i) The budget request model shall be derived from that principle, and it shall consist of

two components: the standard budget request and the exception budget request. The step-by-step procedures for calculation of both types of requests are outlined in Section 3 of the Rules - Creating and Maintaining a Funding Allocation Model.

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

(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.

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

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

(II) Additional variable costs state funding (i.e., special purpose funding) in recognition of enrollment growth realized in the academic year immediately preceding the biennium but after preparation of the biennial budget request, as well as enrollment growth realized in the first academic year of the biennium. As with all other enrollment calculations, a two-year average shall be used. Any undistributed balance of this enrollment growth funding pool shall revert at the end of the biennium.

(III) External cost adjustments for variable costs state funding based on the Employment Cost Index for post-secondary institutions. The adjustments may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

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

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

(VI) Project design and planning funds intended to offset the additional expenses incurred by the community colleges in developing and providing necessary plans, designs and other information on capital construction projects to the General Services Division of the Department of Administration and Information.

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

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

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

(e) The Executive Director shall report to the Commission and the community colleges on action taken by the Governor and the Legislature on requests for state appropriations.

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

Section 5. Disbursing State and Other Funds.

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

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

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

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

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

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

Section 6. Biennial Funding Report.

“A biennial funding report shall be provided by each community college to the community college commission at the beginning of each biennium in a form and format determined by the commission. Any amendments to the report shall be provided to the commission immediately after adoption by the board.” (W.S. 21-18-205(b))

Section 7. Establishing and Promoting Statewide Priorities.

The Commission shall collaborate with college trustees, college administrators, the Governor’s office, the legislature, and community and business leaders to determine statewide priorities that conform to interests that shall be addressed by the statewide college system. strategic plan.

Section 8. Administering the Wyoming Investment in Nursing Program.

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

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

(c) Eligibility

(i) Applicants must be residents of the state of Wyoming as defined in W.S. 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;

(ii) Applicants must be accepted into a nursing program in a Wyoming community college, the University of Wyoming, or in a doctoral degree program in an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited; and

(iii) Applicants must apply for federal financial assistance and any employer-based financial assistance for which the applicant may be eligible.

(iv) Any person beginning a nursing education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and as long as funding is available. Funding for an undergraduate nursing program at a Wyoming college or the University of Wyoming will be for a maximum of two years.

(d) Criteria for Application

(i) Subject to the availability of funds appropriated, loans may be awarded to the following applicants;

(A) An applicant who is accepted into a Wyoming licensed practical nurse or registered nurse education program or a baccalaureate degree program in nursing may be eligible for a loan to pay the unmet need, as determined by the Commission or its designee, of attendance at the

licensed practical nursing education program or the registered nursing education program leading to an associate's or baccalaureate degree;

(B) A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree, with a preference given to a registered nurse currently teaching at the University of Wyoming or a Wyoming college, and the registered nurse is accepted into a nursing education program at the University of Wyoming leading to a master's degree in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a master's degree program, the applicant shall agree to repay the loan by teaching at a Wyoming college or the University of Wyoming. If the applicant registered nurse is not accepted into a nursing education program at the University of Wyoming and upon approval of the Commission, the applicant registered nurse may be accepted into an accredited nursing education program at a university located outside of the state. Loans awarded for applicants accepted into programs outside of Wyoming shall not exceed the loan amounts available for programs at the University of Wyoming; or

(C) A registered nurse with a master's degree in nursing who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a master's degree in nursing and is accepted into a nursing education program at an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited leading to a doctorate level degree in nursing may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a doctorate level degree program, the applicant shall agree to repay the loan by teaching at the University of Wyoming.

(e) Application Form

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

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

(f) Selection Process

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

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

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow

students to complete the program in which they enrolled;

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

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

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

(g) Limits on Loan Amounts

(i) A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant, any employer-based financial assistance received by the applicant, and any other public or private financial aid that is provided to the applicant as a scholarship or grant.

(ii) When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.

(h) Interest

(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.

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

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

(i) Loan Terms

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

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

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

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

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

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

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

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

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

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

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

(j) Terms of Repayment

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

(ii) A student may repay the loan without cash payment by working in Wyoming as a nurse, if the loan was for an undergraduate degree, or nurse educator, if the loan was for a graduate degree, as provided in (j)(iii) of this subsection, and except for graduate students as provided in (j)(iv) of this section. To qualify as repayment under this subsection, work shall be performed within the following time periods which begin with the calendar month following the month in which the student completed the academic program:

(A) If the loan can be repaid with work of two (2) years or less, within three (3) years;

(B) If the loan can be repaid with work of greater than two (2) years, but no more than four (4) years, within five (5) years;

(C) If the loan can be repaid with work of greater than four (4) years, within the amount of time the loan could be repaid, plus two (2) years.

(iii) Qualified work under (j)(ii) of this section shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment, or twelve thousand dollars (\$12,000.00) of the loan,

whichever is less. Qualified work shall be credited on a proportional basis.

(iv) A recipient of a WYIN loan and attending a master's or doctorate nursing level program may begin loan repayment through qualified work as authorized under subsection j (ii) and (iii) of this section concurrently with enrollment in the nursing education program, subject to the following:

(A) If the recipient is enrolled in a master's nursing degree program, the recipient shall perform qualified work at a Wyoming college or the University of Wyoming concurrently with enrollment in the nursing education program and for not less than one (1) year following completion of the education program;

(B) If the recipient is enrolled in a doctorate nursing degree program, the recipient shall perform qualified work at the University of Wyoming concurrently with enrollment in the nursing education program and for not less than two (2) years following completion of the education program;

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

(vi) Any student in the WYIN Program who fails:

(A) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the student leaves the academic program;

(B) To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully passing the appropriate certification or licensure examination shall commence cash repayment of the loan within one hundred twenty (120) days after successfully passing the appropriate certification or licensure examination;

(C) To pass the appropriate certification or licensure examination on the first attempt may retake the examination at the next available opportunity before commencing repayment of the loan. The student shall notify the Commission or its designated financial institution of the intent to retake the examination and the date the examination will be taken. Any student in the WYIN Program who fails the examination after the second attempt shall commence cash repayment of the loan within forty-five (45) days after receipt of notification of the second failure by the board of nursing. If the student in the WYIN Program who fails the examination on the first attempt does not retake the examination at the next available opportunity, cash repayment shall commence within forty-five (45) days after the next available examination is conducted.

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

(viii) Cash repayment of loans and interest thereon shall be credited to the general fund.

(k) Process for Cash Repayment. The process and schedule for cash repayment under (j) 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.

(l) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Review and Reporting

(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. § 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program.

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

(n) Expiration. This program shall expire on June 30, 2011.

Section 9. Administering the Teacher Shortage Loan Repayment Program.

(a) This Section is promulgated under authority of WYO. STAT. § 21-7-601 and WYO. STAT. § 21-18-202.

(b) Purpose. The purpose of the Wyoming Teacher Shortage Loan Repayment Program (TSLR Program) is to make funds available to individuals who wish to pursue a career in education and to alleviate a shortage of mathematics, science, foreign language, special education, reading or English as a second language teachers within the state.

(c) Eligibility

(i) Applicants shall have a Wyoming residence as defined in W.S. § 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;

(ii) Applicants must be enrolled in good standing (admitted) in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics, science, foreign language teacher or eligibility for an additional endorsement to teach reading or English as a second language. If in a program leading to certification, must have class standing of at least a junior for the first semester for which application for a loan under this program is made; and

(iii) If in a program leading to certification, applicants must apply for federal financial assistance.

(iv) Any person beginning a teacher education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and funds are available. Funding will be for a maximum of the equivalent of two full-time academic years for mathematics, science, foreign language, reading or English as a second language students and three full-time academic years for special education students assuming funds are appropriated by the legislature.

(d) Criteria for Application. Subject to the availability of funds appropriated, loans may be awarded to an applicant who meets the criteria of Section 4(a) through (c) to pay the unmet needs of attendance as determined by the Commission or its designee in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics, science, foreign language, or leading to endorsement as a reading or English as a second language teacher.

(e) Application Form

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

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

(f) Selection Process

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

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

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

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

(g) Limits on Loan Amounts

(i) A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant and any other public or private financial aid that is provided to the applicant as a scholarship or grant.

(ii) When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.

(h) Interest

(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.

(ii) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. § 39-16-108(b) for determining the interest rate on delinquent use taxes.

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

(i) Loan Terms

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

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

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

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

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

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

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

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

(A) Verification by the Professional Teaching Standards Board of appropriate teacher certification in special education, mathematics or science; and

(B) Verification by a Wyoming public school principal of successful employment in a public school in Wyoming teaching special education, mathematics or science at least 50% of the working hours.

(j) Terms of Repayment

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

(ii) A student may repay the loan without cash payment by performing qualified work as a special education, mathematics, science, foreign language, reading or English as a second language teacher subject to (j)(iii). To qualify as repayment, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

(iii) Qualified work shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment or the equivalent if the student was enrolled less than full-time. Full-time employment means a full-time position teaching at least 50% of working hours during a full academic year as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language in a Wyoming public school. Teaching more or less than a full academic year, while teaching at least 50% of working hours as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language shall be credited on a proportional basis.

(iv) Qualified work shall be verified by the Commission's designated financial institution by having received letter from the student's employer stating the person is currently or has been employed as a certified teacher in special education, mathematics, science, foreign language, reading or English as a second language. This letter must be submitted annually.

(v) Any student in a TSLR Program loan who fails:

(A) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the student leaves the academic program;

(B) To obtain employment in the targeted occupation for which the person received the education within two hundred forty (240) days after successfully obtaining the appropriate certification, shall commence cash repayment of the loan within two hundred eighty-five (285) days after successfully obtaining the appropriate certification.

(C) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.

(vi) Subject to the above cash repayment provision, the TSLRP loan is repayable in equal or graduated periods installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the teacher education program.

(vii) Cash repayment of loans and interest thereon shall be credited to the school foundation program account.

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

(l) Default of a Loan.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Review and Reporting

(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program. The report shall include information submitted by the professional teaching standards board regarding the impact of the program on identified teacher shortage areas and recommendations for modifications to the program, including funding levels, to address other identified teacher shortage areas.

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

(n) Expiration. This program shall expire on June 30, 2011.

Section 10. Administering the Tuition Benefit for Vietnam Veterans, Overseas Combat Veterans and Surviving Spouses and Orphans.

(a) Authority. This section is promulgated under authority of WYO. STAT. § 19-14-106.

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

(c) Definitions.

(i) "Academic year" in this section means the twelve (12) month period beginning with the commencement of the fall semester for the University of Wyoming and with the commencement of the summer semester for community colleges.

(ii) "Overseas combat veteran" means a person other than a Vietnam veteran who was a resident of Wyoming for at least one (1) year immediately prior to entering into active service, who is an honorably discharged veteran who served in the military service of the United States and who was awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any armed conflict in a foreign country.

(iii) "Combat veteran surviving spouse" means a person who is a surviving spouse of any overseas combat veteran when the overseas combat veteran was a resident of Wyoming for at least one (1) year immediately prior to entering active service and the overseas combat veteran died during active service;

(iv) "Combat veteran surviving orphan" means a person who is a surviving orphan of any overseas combat veteran and who was under twenty-one (21) years of age at the time his parent died in overseas combat during active service;

(v) "Vietnam veteran" means any person who was in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and received a discharge from the military forces of the United States other than dishonorably; and has been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section.

(vi) "Vietnam veteran surviving spouse" means a person who is a surviving spouse of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.

(vii) “Vietnam veteran surviving child” means a person who is a surviving child of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.

(d) Eligibility.

(i) Vietnam Veteran. A Vietnam veteran is eligible for educational benefits under this section, under the following conditions:

(A) Must have been in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and

(B) Must have received a discharge from the military forces of the United States other than dishonorably; and

(C) Must have been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section; and

(D) Must not be receiving educational benefits under the Servicemen’s Readjustment Act of 1944, as amended, for any credit or vocational education course for which the Vietnam veteran registers.

(ii) Vietnam Veteran Surviving Spouse. A Vietnam veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:

(A) Must be the surviving spouse of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and

(B) Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or

(C) Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.

(iii) Vietnam Veteran Surviving Child. A Vietnam veteran surviving child is eligible for educational benefits under this section, under the following conditions:

(A) Must be the surviving child of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and

(B) Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or

(C) Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.

(iv) Overseas Combat Veteran. An overseas combat veteran is eligible for educational benefits under this section, under the following conditions:

(A) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(B) Must not be a Vietnam veteran; and

(C) Must be honorably discharged from active military service; and

(D) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country.

(v) Combat Veteran Surviving Spouse. A combat veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:

(A) Combat Veteran Surviving Spouse must be the surviving spouse of an overseas combat veteran.

(B) The overseas combat veteran must have met the following criteria:

(I) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(II) Must not have been a Vietnam veteran; and

(III) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and

(IV) Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or

(V) Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or

(VI) Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.

(vi) Combat Veteran Surviving Orphan. A combat veteran surviving orphan is eligible for educational benefits under this section, under the following conditions:

(A) Applicant must be under twenty-one (21) years of age at the time the veteran parent died in overseas combat during active military service; and

(B) Applicant must be an orphan of an overseas combat veteran; and

(C) The overseas combat veteran must have met the following criteria:

(I) Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(II) Must not have been a Vietnam veteran; and

(III) Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and

(IV) Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or

(V) Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or

(VI) Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.

(e) Application Process.

Vietnam veterans, overseas combat veterans and surviving spouses and orphans shall apply for the educational benefit under this section with the eligible institution in (f)(i)(B) and will provide the appropriate documentation to establish eligibility.

(f) Educational Benefits.

(i) Vietnam veterans will be eligible for free tuition for not more than ten (10) semesters for any credit or vocational educational course for which the Vietnam veteran registers.

(ii) Vietnam veteran surviving spouses and children will be eligible for free tuition, matriculation and other fees for courses of instruction at any state institution in elementary, secondary and college grades, business colleges, state vocational training schools or other educational institutions of the State of Wyoming the which would tend to enable the individual to engage in any useful trade, occupation or profession,

(iii) Overseas combat veterans will be eligible under this section for free tuition and fees for not more than ten (10) semesters for any credit course for which the overseas combat veteran registers subject to the following provisions:

(A) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(B) Shall not be eligible after more than ten (10) academic years after the date the veteran completes military service; and

(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(iii) Combat veteran surviving spouses are eligible for free tuition and fees subject to the following provisions:

(A) Shall not be eligible for more than ten (10) semesters for any credit course for which the surviving spouse registers; and

(B) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(iv) Combat veteran surviving orphans are eligible for free tuition and fees subject to the following provisions:

(A) Shall not be eligible to apply for the first semester of free tuition under this section more than three (3) academic years after:

(I) For a high school graduate, the graduation date of the student's high school class, except for good cause, or;

(II) For a student with a General Educational Development (GED) diploma or for a student who was home schooled, the high school graduation date of students of the same age, except for good cause; and

(B) Shall not be eligible for more than ten (10) semesters for any credit course for which the combat veteran surviving orphan registers; and

(C) Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and

(D) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and

(E) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.

(g) Reimbursement.

Tuition and fees for overseas combat veterans, combat veteran surviving spouses and combat veteran surviving orphans under this section will be reimbursed by the Community College Commission to the University of Wyoming or one of the Wyoming community colleges, subject to the availability of funds appropriated.

(i) Reimbursement requests, accompanied by a Certificate of Eligibility provided by the Community College Commission, will be processed for payment on a semester basis by the Commission; and

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

(h) Exemptions for Good Cause.

Any combat veteran surviving orphan may be exempt from the deadline for applying for educational benefits as outlined in (f)(iv)(A) of this section if the orphan:

(i) Enters into active military duty in the U.S. Armed Forces; or

(ii) Enters into a formalized religious service; or

(iii) Can demonstrate in writing, to the financial aid director of the University of Wyoming or a community college, other good cause.

(i) Review and Reporting.

(i) The community college commission shall submit a report to the joint appropriations and the joint education interim committees by October 1, 2006 and annually thereafter on October 1.

(ii) The report shall identify the actions taken and monies expended pursuant to this act.

Section 11. Administering Maintenance and Capital Construction Funding.

(a) Under authority of W.S. 21-18-225, this section addresses the development and submission methods of a prioritized list of community college capital construction projects and its submission to the state building commission.

(b) The list shall include only necessary building square footage required for provision of those education programs comprising the statewide college system strategic plan developed and maintained by W.S. 21-18-202 (a)(v).

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

(d) The Commission shall provide guidelines and format for community colleges to use in developing their prioritized capital construction and major maintenance lists which are correlated to the statewide college system strategic plan.

(e) The Commission shall provide access to a statewide community college building database.

(i) Community colleges shall provide annual updates to the system database which provide comprehensive descriptions of colleges built environments.

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

(f) The Commission shall identify and implement a forecasting model to assist community colleges in computing future student enrollments and related building needs.

(g) The statewide college system strategic plan shall guide the comprehensive assessment of community college buildings and future space requirements.

(h) Community colleges shall submit requests for modification of capital construction priorities to the commission in writing and according to the lead time necessary to meet subsequent reporting deadlines.

(i) The Commission shall identify and implement a uniform, industry recognized method for computation of square footage eligible for major maintenance funding.

Section 12. Distributing State Funds for Capital Construction.

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

(b) The Commission shall take under consideration the potential need for cost adjustments due to inflationary forces which may produce cost differentials between planning phases and commencement of construction. Any adjustments shall be based on a recognized construction industry index.

(i) Community colleges shall notify the commission in writing should the need for such consideration occur.

(c) Community colleges shall provide sufficient, final and verifiable third party documentation regarding the receipt of local funding available for immediate use for capital construction projects prior to the release of legislatively approved state funds.

(i) The Commission's *Facilities Handbook* shall be referenced for information regarding the actual distribution or payment schedules of state funds for capital construction.

(d) Community colleges shall work directly with the general services division with regard to submission of information regarding construction phases that require division approval including change orders.