

HOUSE BILL NO. HB0010

Education-state authorization reciprocity agreement.

Sponsored by: Joint Education Interim Committee

A BILL

for

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

12

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

14

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

16

1 **21-18-226. State authorization reciprocity**
2 **agreements; administration; requirements; fees; rules and**
3 **regulations.**

4
5 (a) The commission shall enter into an agreement with
6 the Western Interstate Commission for Higher Education to
7 participate, on behalf of the state of Wyoming, with all
8 other states legally joining in the state authorization
9 reciprocity agreement.

10
11 (b) The requirements of the agreement shall be
12 sufficient to protect the integrity of Wyoming post
13 secondary education, but shall also allow authorized
14 institutions complying with the agreement the ability to
15 reach as many potential students as possible.

16
17 (c) The commission shall review applications from any
18 public or private post secondary institution seeking
19 admission under the state reciprocity agreement if the
20 institution has a physical presence in Wyoming and is
21 organized under the laws of the state of Wyoming. The
22 commission shall:

23

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

7

8 (ii) Monitor compliance of admitted institutions
9 for institutional quality, consumer protection and fiscal
10 viability;

11

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

18

19 (iv) Take appropriate action against any
20 authorized institution upon failure to comply with
21 requirements of the state authorization reciprocity
22 agreement, including an investigation, citation, suspension
23 or expulsion from the reciprocity agreement.

1

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

4

5 (i) The institutional quality standard through
6 evidence of current accreditation;

7

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

15

16 (iii) The fiscal viability standard for public
17 institutions through evidence of adequate public funding,
18 or for a private institution, through evidence that the
19 United States department of education, in its most recent
20 fiscal year report, assigned the institution a financial
21 responsibility composite score of one and five-tenths (1.5)
22 or greater, or a financial responsibility composite score

1 of not less than one (1) if the report covers the most
2 recent two (2) consecutive fiscal years.

3

4 (e) The commission may adopt rules and regulations to
5 implement this section.

6

7 (f) For purposes of administrating this section, the
8 commission may establish and collect fees from authorized
9 institutions to pay necessary administrative expenses
10 incurred under this section. Any fees collected pursuant
11 to this subsection shall be deposited into the general
12 fund.

13

14 (g) As used in this section:

15

16 (i) "Accredited" or "accreditation" means the
17 status of public recognition that an accrediting agency
18 recognized by the United States department of education
19 pursuant to Title IV of the Higher Education Act of 1965
20 (20 U.S.C. § 1070 et seq.), as amended, grants to an
21 institution or educational program that meets the
22 department's established requirements;

23

1 (ii) "Educational program" means a program of
2 organized instruction or study beyond secondary education
3 that leads to an academic professional degree, vocational
4 degree or certificate or other recognized educational
5 credential;

6
7 (iii) "Physical presence" means the ongoing
8 occupation of a physical location in Wyoming for
9 instructional purposes or the maintenance of an
10 administrative office in Wyoming to facilitate instruction.
11 For purposes of this section, the following activities do
12 not constitute a physical presence in Wyoming:

13
14 (A) Delivery of distance education courses
15 online;

16
17 (B) Advertising;

18
19 (C) Recruiting;

20
21 (D) Courses delivered on military
22 installations by an accredited institution limited to
23 active and reserve military personnel, dependents of

1 military personnel and civilian employees of the military
2 installation;

3

4 (E) Operation of a server or other
5 electronic service device; or

6

7 (F) Experiential learning opportunities
8 such as a clinical practicum residency or internship.

9

10 (iv) "Post secondary institution" means a
11 person, business entity, nonprofit corporation or
12 governmental entity that operates educational programs
13 beyond secondary education;

14

15 (v) "State authorization reciprocity agreement"
16 means an agreement, as published by the Western Interstate
17 Commission for Higher Education on November 1, 2013, or
18 substantially similar to the version published on that
19 date, which allows post secondary institutions that meet
20 federal criteria to recruit, advertise, market and conduct
21 distance education across state lines with as few
22 restrictions as possible.

23

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

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5 **21-2-406. Schools exempted; definition.**

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7 (a) This article does not apply to:

8
9 (iii) Aircraft flight training schools approved
10 and authorized by the federal aviation agency of the United
11 States of America;~~or~~

12
13 (iv) A nondegree granting school teaching
14 techniques of outdoor recreation, leadership, ecology or
15 conservation domiciled in the state of Wyoming;~~or~~ or

16
17 (v) A post secondary education institution
18 admitted, authorized and in good standing under the state
19 authorization reciprocity agreement pursuant to W.S.
20 21-18-226.

21
22 **21-18-202. Powers and duties of the commission.**

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

3
4 (ix) Administer the state authorization
5 reciprocity agreement and admit authorized post secondary
6 institutions to participate under the agreement in
7 accordance with W.S. 21-18-226.

8
9 **Section 3.** For the period commencing on the effective
10 date of this act and ending June 30, 2016, up to thirty
11 thousand dollars (\$30,000.00) is appropriated from the
12 general fund to the Wyoming community college commission
13 for purposes of administering this act. The commission
14 shall include this appropriation as part of its standard
15 budget request commencing fiscal years 2016-2017 and 2017-
16 2018.

17
18 **Section 4.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)