

ENROLLED ACT NO. 37, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to private school licensing; clarifying exemptions from licensing requirements for religious schools as specified; imposing additional requirements upon certain post secondary religious schools for receiving and maintaining exemption status; and providing for an effective date.

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

Section 1. W.S. 21-2-406 and 21-4-101(a)(iv) are amended to read:

21-2-406. Schools exempted; additional requirements for specified post secondary religious schools.

(a) This article does not apply to:

(i) Any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) which is maintained by a church, religious denomination or religious organization comprised of multid denominational members of the same recognized religion, lawfully operating the school or institution pursuant to applicable laws governing its organization, and the school or institution:

(A) Offers elementary and secondary education programs only; or

(B) Operates only as a post secondary education degree granting institution if post secondary education programs are limited to instruction in the principles of that church, religious denomination or religious organization and the diploma or degree is limited to evidence of completion of these post secondary education programs, subject to the following:

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(I) A disclosure is made by the institution on all documents submitted to potential and enrolled students and on all institutional marketing materials which clearly states the institution claims an exemption under this article, that the institution is not accredited by an accreditation association recognized by the United States department of education and is not licensed as a private school by this state;

(II) Diplomas or degrees issued by the institution are restricted to the beliefs and practices of the affiliated church, religious denomination or religious organization and include a statement on the face of the diploma or degree referencing the theological or religious nature of the subject area for which the diploma or degree is awarded, clearly reflecting the nature of the degree title as "Associate of Religious Studies", "Bachelor of Religious Studies", "Master of Divinity" or "Doctor of Divinity"; and

(III) Evidence of nonprofit religious organization status for purposes of federal taxation and organization under the laws of this state is annually filed by the institution with the state department.

(ii) A home-based educational program as defined by W.S. 21-4-101(a)(v);

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

(iv) A nondegree granting school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the state of Wyoming.

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(b) Any post secondary education degree granting institution not accredited by an accreditation association recognized by the United States department of education and which is not exempt under subparagraph (a)(i)(B) of this section shall as required by W.S. 21-2-401(a), obtain a license under this article prior to operating or doing business in this state. The institution may conduct organizational activities and start up preparations before obtaining the license required under W.S. 21-2-401(a), but shall not accept any tuition, application fees or any similar monies from any prospective student before obtaining the license.

21-4-101. Definitions.

(a) For the purposes of this article:

(iv) "Parochial, church or religious school" is one operated under the auspices or control of a local church or religious congregation or a denomination established to promote and promulgate the commonly held religious doctrines of the group though it may also include basic academic subjects in its curriculum. Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants to the state of Wyoming or any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school which meets the requirements of W.S. 21-2-406(a);

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Section 2. This act is effective July 1, 2004.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk