

# Community College Planning Task Force



## *Report to the Joint Appropriations Committee and Joint Education Committee*

November 2008

**TABLE OF CONTENTS**

Executive Summary

Introduction ..... 1

Biennial Strategic Planning Process ..... 5

    Interim Administrative Recommendations ..... 7

State Funding for College Operations and Support ..... 8

    Interim Administrative Recommendations ..... 9

        Reserve Funds ..... 9

        Fixed and Variable Costs ..... 10

        Hold Harmless/Max-Loss ..... 11

        Commission Staff Support ..... 11

Capital Construction Process Mechanism..... 12

    Interim Administrative Recommendations ..... 14

        Interim Projects and Transitions..... 14

        FMR Bonus Payments ..... 15

        Commission/Construction Management Staff Support ..... 15

09LSO-0202.W1, Community colleges-amendments.

APPENDIX A: 2008 Wyoming Session Laws, Chapter 48, Section 327

APPENDIX B: Wyoming Community College Commission Recommendations

APPENDIX C: July 2, 2008 Survey Response Summary

## EXECUTIVE SUMMARY

Major components of recommendations forwarded within this report by the Community College Planning Task Force are summarized as follows:

1. Continuation of the statewide community college system strategic plan effort, to serve as the definition of statewide interests in community college education programs to which state funds are attached;

2. Strengthening of the authority of the Wyoming community college commission to review and approve education programs provided through the community college system, to attach state funds to programs aligned with the statewide strategic plan, to terminate state funds for programs inconsistent with the plan and to redirect the delivery of programs to accomplish statewide interests reflected in the strategic plan;

3. Separation of the biennial budget development process for community college system operational funding from the community college funding allocation model by establishing a baseline amount upon which to base the biennial budget request, subject to adjustment for enrollment fluctuations, the effects of inflation, the addition of new programs or expansion of existing programs through the strategic planning process, and other factors attached to statewide interests in the community college system;

4. Continuation of the funding allocation model for commission distribution of legislative appropriations for college operational funding, refined to reflect use of systemwide baseline costs sensitive to enrollment fluctuations, with model components separated by commission defined fixed and variable cost categories;

5. Establishment of a community college capital construction process whereby college building needs are prioritized by the commission based upon college needs as attached to state interests defined by the strategic plan, and are forwarded to the department of administration and information for study, review and recommendation to the state building commission for submission to the legislature;

6. Linkage of legislatively approved construction appropriations to payment schedule administered by commission, contingent upon review, approval and oversight of construction project components by department of administration and information;

7. Restriction of state fund expenditure for college building major maintenance to facility space necessary to accommodate programs specified within the statewide strategic plan.

## INTRODUCTION

The Community College Planning Task Force was established by 2008 Wyoming Session Laws, Chapter 48, Section 327. For a complete text of the 2008 law, see Appendix A. The task force is by law comprised of six (6) legislators, including the chairmen of the senate and house education committees, and nine (9) non-legislative members appointed by the governor from various representatives of stakeholders and population segments within the state sharing interests in the community college system.

Under law, the task force was specifically tasked with undertaking a comprehensive review and evaluation of the existing community college system and to develop recommendations on system components, specified as follows:

1. Current system capacity level as based upon established student population projections and projected state academic and workforce needs;
2. System mechanism for evaluating and prioritizing construction needs;
3. Options for funding system construction needs;
4. Allocation of system programming to meet student needs in the most cost-effective manner;
5. Workforce development and training fulfilling industry needs;
6. System governance providing unified oversight and accountability;
7. Statewide system as it applies to system governance, revenue generation and commission representation;
8. Seamless educational system, K-12 through post-secondary. (2008 Laws, Chapter 48, Section 327(b)).

The law also directed that the study be undertaken in conjunction with the statewide college system strategic planning effort required of the Wyoming Community College Commission under 2008 Wyoming Session Laws, Chapter 84, Section 2. This required planning effort was in response to recommendations of the 2007 Governor's Blue Ribbon Commission on Wyoming Community Colleges.

Prior to May, 2008, task force membership was established and is comprised of the following:

Senator Hank Coe, Cody, and Representative Del McOmie, Lander, Joint Education Committee CoChairs and Task Force CoChairs designated by law;

Senators Rae Lynn Job, Rock Springs, and Michael Von Flatern, Gillette;

Representatives Pete Jorgensen, Jackson, and Lorraine Quarberg, Thermopolis;

Jerry Austin, Wamsutter, representing oil and gas;

Mary Behrens, Casper, representing health care;

Lynn Birleffi, Cheyenne, representing travel, tourism and recreation;

Glenn Dalton, Rock Springs, representing community colleges-vocational programs;

Joan Evans, Cheyenne, representing workforce services;

Steve Johnson, Sheridan, representing mining;

Tom Kinnison, Sheridan, representing small business community;

Bryan Pedersen, Cheyenne, representing public-at-large;

David Reetz, representing community colleges-academic programs.

In addition to statutory charges, legislative leadership and the governor stressed the importance of the task at hand and further, suggested the task force focus on state interests in the community college system and how state resources are administered and accounted for to ensure state interests are properly accommodated.

The task force commenced its study efforts with an initial meeting held in early May 2008, and subsequently convened once each month thereafter through November, 2008.

During the conduct of its study efforts, the Task Force worked closely with the Wyoming Community College Commission and solicited regular Commission input into the study process. A summary of recommendations and a report to the task force was provided by the commission for task force review at its July meeting, a copy of which is attached at Appendix B.

The task force also sought study input from the community college presidents and other identified college stakeholder groups through a formal request for written response to a series of questions focusing on the community college

system and system components. This questionnaire was transmitted in mid-May, and a majority of responses were received prior to its June meeting. A summary of questionnaire responses is provided at attached Appendix C. A hearing was also held in September to provide opportunity for college presidents and other stakeholders to present commentary on task force proposals as developed and assembled at that point in time.

Early in its study effort, the task force limited study focus based upon rationale that limiting focus would enable development of more comprehensive and concrete recommendations for submission to the 2009 legislature. In addition, it was felt that the quality of task force recommendations would be diminished if an attempt was made to investigate and address all system components at this time. The three major areas of study focus included governance, capital construction and funding.

The area of governance included development and use of the strategic plan for defining state interests in the community college system, and strengthening of the authority of the Wyoming Community College Commission to attach college programs aligned with the strategic plan to state funding and to disapprove state funding for those programs not in accord with the statewide plan.

The funding study component focused on system operational funding and the development of a systemwide appropriations process that would remove attachment to the funding allocation model. The concern was predicated upon a perceived need to separate system appropriations from reliance upon an expenditure-driven model based upon college specific preferences and choices, and specific revenue-loss limitations. Instead, the task force focused on a budget process based upon an identified baseline amount, adjusted to reflect the effects of inflation and enrollment growth, as well as other factors necessary for system expansion and modification necessary to reflect statewide interests conforming to the strategic plan.

Operational funding distribution was based upon the existing funding allocation model refined to reflect systemwide baseline costs, as opposed to college-specific costs, with formula components separated into fixed and variable cost components defined by the commission, and the

use of enrollment-driven factors to determine funding increases and decreases. The funding process also focuses on a component granting necessary authority to the commission to attach state priorities and interests to allocate and redirect funding to specific colleges in order to deliver new or existing programs that best serve the state's interests.

Finally, the area of capital construction targeted the development of a statewide mechanism that would process and prioritize statewide college building needs in alignment with state interests as defined by the strategic plan. Also included in this study component was development of a process mechanism capable of forwarding statewide building needs in a credible manner providing accountability and assurance of remediating building needs in a timely and proper manner.

The task force recommendations in the three areas of study focus are detailed in the following sections of this report. Task force recommendations are also provided within proposed legislation referenced as 09LSO-0202.W1, and contained within this report.

Although the entire scope of study topics as assigned by law have not been addressed at this time, the task force is willing to continue its study activities into the 2009 interim prior to the 2010 budget session, subject to the directive and pleasure of the legislature. 2008 Wyoming Session Laws, Chapter 48, Section 327, continues task force funding through March 31, 2010.

## BIENNIAL STRATEGIC PLANNING PROCESS

1. It is of state interest for the establishment, continuation and maintenance of an integrated statewide community college system strategically planned and adequately funded which assures statewide access to:
  - Two (2) year education degree programs or transfer to a baccalaureate program;
  - Career-technical education and training programs necessary to develop a workforce with skills necessary to meet the needs of new and existing business and industry;
  - Remedial and continuing education programs improving the employability of state citizens; and
  - Postsecondary education programs by qualified Wyoming high school students through dual or concurrent enrollment.
2. State interests in the statewide community college system can best be accomplished through a comprehensive system of education programs accessible statewide through outreach programs and distance education technology in addition to on-campus enrollment, with single points of accountability that ensure the coordination of programs, the efficient use of resources and that the programs meet the needs of state residents and industry.
3. The statewide community college system strategic planning effort initiated by 2008 Wyoming Session Laws, Chapter 84, Section 2, pursuant to recommendation of the 2007 Governor's Blue Ribbon Commission on Wyoming Community Colleges, is integral to the furtherance of state interests in the statewide community college system.
4. The community college commission is best positioned to execute and maintain the statewide strategic planning process and shall serve as the forum for various

community college stakeholders, including the individual community college districts, to participate in the formulation of components to the statewide strategic plan.

5. The purpose of the statewide community college strategic plan is to create a high-quality, relevant education program through:

- Identification of statewide priorities and a vision for long-term economic growth;
- Identification of student, employer and workforce needs reflecting high expectations for their performance and the performance of the system serving them;
- Sustenance of commitment over the long-term to constant system improvement, while placing system values on market-driven responsiveness, accountability, technology-based strategies and incentive-based motivation;
- Development of a planning process which components include a mission statement, goals, principles, strategies and objectives, performance benchmarks and outcome measures and incentives to achieve desired results.

6. Strategic plan development shall include a process whereby the governor, the legislature and the task force provide initial review of strategic plan components outlined by the commission as reflecting state interests in the community college system. Initial review shall be required prior to strategic plan completion for purposes of development of 2011-2012 biennial operational and facility budget recommendations and prior to plan finalization. In addition, approval by a majority of college presidents is required prior to plan finalization.

7. In executing strategic planning efforts, the commission shall establish a mechanism within the planning process which actively and continuously solicits input from state and local agencies and

industry which are reflective of various state economic sectors and interests.

8. The strategic plan shall serve as the basis for community college commission budget recommendations for both operational and facility funding, based upon priorities and projected resources.

#### Interim Administrative Recommendations

Additional staff support is required to sufficiently support the Wyoming community college commission in executing, coordinating, implementing and administering strategic planning duties imposed by task force recommendations and processing significant amounts of data. As such, the task force recommends a supplemental budget appropriation to the commission for the addition of one (1) permanent professional position within the commission to provide capability in managing strategic planning data requirements.

## STATE FUNDING FOR COLLEGE OPERATIONS AND SUPPORT

1. Currently, the funding allocation model developed by rule of the Wyoming community college commission pursuant to W.S. 21-18-202(c)(i), for distribution of funds to the community colleges from amounts appropriated by the legislature, also serves as the mechanism to develop budget requests submitted to the legislature for the operation and support of the colleges.
2. The task force supports the commission in its recommendation to discontinue use of the funding allocation model as the basis for development of the biennial budget request for community college operational funding. Instead, the task force supports the commission in its efforts to:
  - Base the college operational budget upon a budget request comprised of the prior biennial budget amount approved and adopted by the legislature;
  - Adjust the budget request for expanded or new programs, enrollment increases and other purposes through an exception budget request process presented in accordance with W.S. 21-18-205(e), which provides authority to the commission for designation of special purpose funding for distribution separate from the funding allocation model and which clearly indicates if the request is one-time funding or continuous funding;
  - Base consideration of any college driven exception budget request upon state priorities specified within the statewide college system strategic plan.
3. Additionally, the task force supports the commission in its refinement of the funding allocation model for distribution of legislative appropriations, detailed as follows:
  - Utilization of systemwide baseline costs as opposed to college-specific costs, wherein

baseline costs are predicated upon instruction-level weighting factors;

- Use of enrollment-driven factors for determining funding increases and decreases, as opposed to current college-specific, expenditure-driven factors, with continued use of prior two-years experience to compute enrollment increases and prior three-years experience to adjust for enrollment decreases;
  - Separation of formula components into two (2) fundamental funding elements, fixed and variable, whereby:
    - A. Fixed costs are determined by costs incurred for physical facilities and related, non-variable components; and
    - B. Variable costs are determined by variable operational costs such as instructional support.
  - Use of time limited max-loss provision to allow for transitional adjustment.
4. An additional component to the funding process, both in terms of operational and facility funding, is the granting of necessary authority to the commission for the recognition of individual community college characteristics and unique assets and linking this recognition to the allocation of state resources. This authority is directly attached to state priorities and interests defined by the statewide community college system strategic plan and would enable efficient and effective delivery of education programs within the entire college system.

#### Interim Administrative Recommendations

*RESERVE FUNDS.* In transitioning to the proposed system of budgeting for state support of college operations and the proposed funding allocation formula for distributing state operations assistance to colleges, the task force recommends that community college unrestricted operating

funds (reserve funds) existing on June 30, 2010, and carried over into the 2011-2012 biennium as authorized by W.S. 21-18-205(f), not be considered by the commission in computing state operations appropriations for the 2011-2012 biennium. These specific reserve fund balances are recommended to be permanently removed from commission oversight, the expenditure of which would be left to the discretion of each college. Further, the task force recommends that the reserve fund balance for each college, as computed on June 30, 2007, be added to the total baseline amount used in establishing the 2011-2012 statewide operations budget request.

Commencing with the 2011-2012 biennium and continuing with each biennium thereafter, the task force recommends that the expenditure of college reserve funds authorized by and carried forward under W.S. 21-18-205(f), be restricted to addressing district emergencies and not be expended as part of general operations. The restriction would apply to the reserves comprising state appropriated funds only. Expenditures would be restricted by commission rule and regulation to address the emergency needs of those education programs aligned with the statewide strategic plan.

*FIXED AND VARIABLE COSTS.* The fixed and variable cost components within the proposed funding allocation model will be based upon a defined data set separating college cost data into fixed and variable cost categories according to definitions and guidelines established by the commission. This set of established guidelines will be applied to data generated in the 2007-2008 biennium to determine and prescribe component proportions of total fixed and variable costs for each individual college. These established proportions will be used to determine state assistance under the base year funding allocation formula for the 2011-2012 biennium. A separate appropriation is recommended for the development of necessary guidelines and criteria by the commission for segregating variable and fixed cost data.

Once the fixed and variable cost proportions have been set for each college, the proportions will remain at established levels until recalibrated by the commission. Recalibration will be performed periodically by the commission.

*HOLD HARMLESS OR MAX-LOSS.* Additional funding is proposed through a hold-harmless or max-loss provision to ease the transition from existing operations funding levels to proposed operations funding levels. The hold-harmless or max-loss provision ensures that no college district will receive an amount under the proposed operations funding level which is less than the total amount of state appropriations distributed to that college district in the last year of the 2009-2010 biennium, adjusted by adding the sum of the total amount collected by that district under the required four (4) mill levy during that time period and the individual college reserve funds existing on June 30, 2007. The task force recommends the hold-harmless or max-loss feature be in effect for the first two (2) biennial periods of proposed operations funding, with the hold-harmless set at 100% of fiscal year 2009-2010 funding level for the 2011-2012 biennium, and at 90% for the first year of the 2013-2014 biennium and at 80% for the second year of that biennium.

*COMMISSION STAFF SUPPORT.* Additional staff support is required to sufficiently support the Wyoming community college commission in carrying out responsibilities and requirements for state operational funding as imposed by task force recommendations. In particular, the commission staff will be required to manage exception budget requests, target funding pools tied to specific funding components and to develop reporting processes for accountability purposes. A supplemental budget appropriation to the commission is recommended by the task force for the addition of two (2) permanent positions within the commission for managing additional state operations funding components, one consisting of a professional program administrator position and one, a full-time clerical position.

## **CAPITAL CONSTRUCTION PROCESS MECHANISM**

1. The Wyoming community college commission is delegated responsibility for the development of community college capital construction requests on an annual basis, through a biennial budget process under the state building commission, in accordance with established procedural requirements.
2. Capital construction requests are linked by law to facility space required to ensure the provision of those college programs specified within the statewide strategic plan established by the commission and included within the operational funding budget approved by the commission and funded by the legislature.
3. A statewide community college building inventory data base is established by the commission, designed to accommodate a statewide assessment of existing community college building space, and comprised of the following minimum data components:
  - Building condition;
  - Building square footage;
  - Building usage;
  - Building space utilization.
4. A statewide assessment of college buildings is conducted by the commission to provide baseline information on statewide building condition, building longevity and space utilization. The assessment is periodically updated to provide timely and uniform statewide data.
5. Facility plans are required to be developed and maintained by each community college. Facility plans are aligned to the statewide strategic plan established by the commission and the plans for each college are filed with the commission. Guidelines for the planning process are established by the commission to ensure linkage to the statewide strategic plan.
6. Construction requests are submitted to the commission by each college based upon the facility plan developed

for that college, as necessary to execute the statewide strategic plan. Requests are submitted to the commission at a date established by law or by rule which accommodates the state budget cycle.

7. The annual commission review of college building requests received as of the established submission date, results in a prioritization of building projects which are forwarded through the department of administration and information to the state building commission. Prioritization is based upon commission review of college facility plans initiating the request and the relationship of the request to the statewide assessment results. Project request priorities are based upon the following minimum factors:
  - Building condition including health and safety, structural integrity and building longevity measures provided through a statewide assessment;
  - Computed building capacity based upon the statewide strategic plan, future student demands and projected future statewide needs, based upon commission approved projection methodologies.
8. Prioritized project requests are forwarded to the general services division, department of administration and information, for project study and review under W.S. 9-5-108(a)(ii). Following review and in consultation with the commission, the reviewed prioritized project is recommended to the state building commission for inclusion in budget legislation assembled pursuant to W.S. 9-5-108(a)(ii)(J) for legislative approval and authorization. Additional separate appropriations for contingency reserve and project administration costs are included in the budget legislation forwarded by the state building commission.
9. Once a project is prioritized and except for modification by the commission under this paragraph, that project remains at that level of commission prioritization unless a reprioritization is made pursuant to annual review, until funding is made available or until the project is otherwise disposed of through the budget process. Modified priorities are forwarded to the department of administration and

information and may be forwarded by the state building commission through a supplemental budget request for the next succeeding fiscal year in a biennial budget off-year.

10. The capital construction budget proceeds through normal channels for ultimate legislative consideration. State funding of capital construction requests is provided through a means and at the proportion or level determined by the legislature or from a dedicated revenue stream.
11. Prior to processing projects for state funding requests, the existing statutory requirements under W.S. 21-18-202(d)(iv) and 21-18-205(g) for legislative and commission authorization of any new capital construction project for which state funds may eventually be applied are continued.
12. State funds for college capital construction approved and authorized by the legislature are distributed by the commission, together with any required local matching funds, in accordance with an established payment schedule contingent upon approval of the general services division, department of administration and information. A process detailing division approval of construction project phases is prescribed by commission rule, with construction supervision provided by the division.
13. Major maintenance funding of college buildings is linked to facility space necessary to accommodate programs specified in the statewide strategic plan. The commission reports eligible building square footage to the general services division, department of administration and information, for inclusion in the state major maintenance budget request, with subsequent appropriations distributed by the commission to colleges in accordance with the division's funding formula.

#### Interim Administrative Recommendations

*INTERIM PROJECTS AND TRANSITIONS.* To initiate the proposed capital construction process mechanism prior to the

2011-2012 biennium, as administered by the Wyoming community college commission and recommended by the task force, the following interim steps are proposed:

- Upon completion of the draft strategic plan to the extent necessary for guiding budget development for the 2011-2012 biennium, the commission is directed to prioritize those college capital construction projects received by the commission as of July 1, 2009. This process would allow colleges to commence planning and document preparation efforts for those capital construction requests prioritized by the commission. Planning and document preparation would be of sufficient detail to allow the general services division, state department of administration and information, to begin required study, review and analysis of projects for subsequent recommendation to the state building commission;
- A supplemental budget appropriation is forwarded for consideration in the 2009 general session to establish state assistance for colleges, available through the commission, for commencing planning and project document preparation for prioritized projects prior to the 2010 budget session;
- No specific project is forwarded for funding consideration in the 2009 general session.

*FMR BONUS PAYMENTS.* Effective July 1, 2009, the task force recommends the expenditure of funds received through bonus payments from federal mineral lease revenues under W.S. 9-4-601(b)(iv)(A), be restricted to emergency repair and maintenance needs of college facilities tied to the provision of programs aligned with the statewide strategic plan. Current practice is to combine these funds as part of major maintenance and facility repair and replacement expenditures.

*COMMISSION/CONSTRUCTION MANAGEMENT STAFF SUPPORT.* A staff position request is forwarded for authorization and funding within the commission to serve as coordinator between the commission and the general services division to coordinate college capital construction needs pursuant to task force recommendation.

An additional supplemental budget appropriation is forwarded for necessary commission funding to initiate and maintain the required comprehensive assessment of college buildings and future space requirements, as well as to integrate the existing commission facility data base with the state of Wyoming facility data base.

A supplemental budget request is forwarded to fund the construction management office within the general services division, department of administration and information, with sufficient staffing resources to carry out necessary planning and review of community college commission prioritized projects for recommendation to the state building commission, and to review and approve authorized construction during specified phases of authorized construction projects.

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Community colleges-amendments.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to community colleges; establishing a  
2 statewide college system operations and facility funding  
3 mechanism based upon a prescribed system wide strategic  
4 planning process attaching state funding to state  
5 interests; providing for system operational budgeting and  
6 program approval and termination aligned with strategic  
7 planning; accordingly aligning system components and system  
8 accountability measures; creating a mechanism for  
9 prioritizing and funding system capital construction needs;  
10 modifying facility major maintenance funding and  
11 accordingly restricting use of specified revenues;  
12 delegating authority and imposing duties upon the community  
13 college commission, the department of administration and  
14 information and upon community college districts; granting

1 rulemaking authority; imposing reporting requirements;  
2 prescribing initial strategic plan development; providing  
3 transitional funding thresholds and funding considerations;  
4 providing appropriations and authorizing positions; and  
5 providing for effective dates.

6

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

8

9 **Section 1.** W.S. 21-18-225 is created to read:

10

11 **21-18-225. College maintenance and capital**  
12 **construction funding.**

13

14 (a) As part of its administrative functions, the  
15 community college commission shall forward prioritized  
16 community college building needs for development of capital  
17 construction budget recommendations by the state building  
18 commission in accordance with this section. The commission  
19 shall also submit major maintenance budget requests for  
20 college buildings to the legislature in accordance with  
21 this section. Major maintenance budget requests shall be  
22 made upon forms and in a format specified by the budget  
23 division of the department of administration and

1 information. College building maintenance budget requests  
2 submitted by the commission and capital construction budget  
3 requests forwarded by the state building commission shall  
4 include only necessary building square footage required for  
5 provision of those education programs comprising the  
6 statewide college system strategic plan developed and  
7 maintained under W.S. 21-18-202(a)(v).

8

9 (b) To carry out this section and in accordance with  
10 rules and regulations of the state building commission  
11 promulgated under W.S. 9-5-107(d) and (e) serving as  
12 guidelines for implementation and administration of this  
13 section, the commission shall establish and maintain:

14

15 (i) A statewide community college building data  
16 base comprised of building inventory, specific building  
17 condition, square footage, usage, space utilization and  
18 building capacity data;

19

20 (ii) Statewide planning and reporting criteria  
21 and guidelines for use by community college districts in  
22 developing and maintaining comprehensive long-range plans  
23 for district building needs as required under W.S.

1 21-18-304(a)(xi), providing necessary guidance to college  
2 districts for separating future building space needs and  
3 requests attached to the statewide college system strategic  
4 plan from other district space requests;

5

6 (iii) Methodologies for use by community college  
7 districts in computing future student enrollments, building  
8 space demands and future building needs in establishing  
9 long-range plans addressing district building needs.

10

11 (c) The commission shall conduct and maintain a  
12 comprehensive assessment of community college buildings and  
13 future space requirements as defined by the statewide  
14 strategic plan. The comprehensive building assessment  
15 shall be designed and maintained to provide timely and  
16 uniform statewide data on building condition and building  
17 longevity and future space requirements. The needs  
18 assessment shall be revised annually to reflect current  
19 conditions and shall be capable of providing data  
20 sufficient to accommodate a five (5) year planning cycle.

21

22 (d) On or before November 1 of each year, the  
23 commission shall, based upon the assessment performed under

1 subsection (c) of this section and upon facility plans and  
2 annual reports submitted by each college pursuant to W.S.  
3 21-18-304(a)(xi), prioritize community college construction  
4 needs for the current fiscal year and the succeeding four  
5 (4) fiscal years based upon:

6

7 (i) Criteria for statewide capacity for education  
8 programs aligned to the statewide college system strategic  
9 plan;

10

11 (ii) Analysis of student enrollment changes based  
12 upon commission approved enrollment projection methodology,  
13 to determine the need for changes in statewide building  
14 capacities over time for delivering statewide education  
15 program needs identified within the strategic plan;

16

17 (iii) A methodology and process established by  
18 the commission for identifying the most critical building  
19 needs.

20

21 (e) The commission may modify construction needs  
22 prioritized under subsection (d) of this section in any  
23 subsequent fiscal year as necessary to address statewide

1 needs as substantiated by data, condition assessments,  
2 needs analysis and other information assembled by the  
3 commission under this section. Needs receiving a lower  
4 priority than previously assigned may be removed or  
5 reprioritized by the commission. Construction needs  
6 modified under this subsection shall be reported to the  
7 general services division of the department of  
8 administration and information.

9

10 (f) In addition to subsection (d) of this section and  
11 on or before November 1 of each year, the commission shall  
12 report college building square footage to the general  
13 services division of the department of administration and  
14 information as necessary for computation of major building  
15 and facility repair and replacement funds for community  
16 college buildings. The reported square footage shall be  
17 restricted to that square footage necessary for the  
18 delivery of education programs comprising the statewide  
19 college system strategic plan.

20

21 (g) Upon prioritizing community college construction  
22 needs under subsection (d) of this section, the commission  
23 shall not later than November 15 of each year, report the

1 prioritized list to the general services division of the  
2 department of administration and information. In  
3 accordance with W.S. 9-5-108(a)(ii), the general services  
4 division shall review, analyze and study construction needs  
5 prioritized under subsection (d) of this section and  
6 conduct necessary value engineering analysis, schematic  
7 design review, safety and security assessments and other  
8 analysis and review prior to submission of recommendations  
9 to the state building commission. The state building  
10 commission shall consider and incorporate prioritized  
11 construction needs recommendations into legislation  
12 requesting necessary funding, developed under W.S.  
13 9-5-108(a)(ii)(J), for submission to the legislature for  
14 review, authorization and approval. The legislation shall  
15 also include a separate appropriation for contingency costs  
16 associated with recommended construction projects and a  
17 separate appropriation for administrative costs of the  
18 general services division for management of the recommended  
19 construction projects as required by subsection (j) of this  
20 section. The community college commission shall submit a  
21 separate budget request for project design and planning  
22 funds to be available to assist community colleges with  
23 costs incurred in developing and providing necessary plans,

1 designs and other information to the general services  
2 division for purposes of this subsection. The general  
3 services division shall consult with the community college  
4 commission in developing recommendations under this  
5 subsection.

6

7 (h) The commission shall provide copies of the needs  
8 assessment, construction priorities and major maintenance  
9 square footage established under this section to members of  
10 the legislature on or before December 1 of each year.

11

12 (j) Subject to amounts made available by legislative  
13 appropriation and to any conditions which may be attached  
14 to appropriation expenditures, the commission shall  
15 distribute state funds for building construction approved  
16 and authorized by the legislature. Distributions of state  
17 funds for any approved and authorized construction project  
18 shall be in accordance with payment schedules established  
19 by rule and regulation of the commission. Payments by the  
20 commission shall be contingent upon the receipt of any  
21 local district funding for the capital construction project  
22 as may be required by legislative authorization, and shall  
23 also include the written approval of the general services

1 division, department of administration and information, of  
2 prescribed phases of the construction project and the  
3 completion of certain project phases. Construction phases  
4 for which approval of the division is required shall be  
5 specified by commission rule and regulation, clearly  
6 prescribing a process for division review and approval of  
7 project plans and specifications, project development and  
8 project changes and change orders. In carrying out duties  
9 under this subsection, the division may execute powers  
10 prescribed under W.S. 9-5-108(a)(iii) in coordination with  
11 the commission and the appropriate community college  
12 district. No scheduled payment shall be made by the  
13 commission without the approval of the division as required  
14 by the prescribed process.

15

16 (k) Appropriations for major building and facility  
17 repair and replacement shall be distributed by the  
18 commission to community colleges in amounts determined by  
19 the funding formula developed by the general services  
20 division of the department of administration and  
21 information, subject to restrictions imposed on qualifying  
22 square footage pursuant to this section.

23

1           **Section 2.** W.S. 21-18-202(a) by creating new  
2 paragraph (v), (c)(ii), (d)(i), (ii), (e)(v)(A), (B),  
3 (C)(intro) and by creating a new subsection (h),  
4 21-18-203(a), 21-18-205(c), (e) and (f) and 21-18-304(a) by  
5 creating a new paragraph (xi) are amended to read:

6

7           **21-18-202. Powers and duties of the commission.**

8

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

11

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

16

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

19

20                   (ii) In accordance with W.S. 21-18-203(a),  
21 prepare budget requests for the operation and support of  
22 the colleges and the commission, and pursuant to W.S.

1 21-18-225, prepare budget requests for major building and  
2 facility repair and replacement;

3  
4 (d) The commission shall perform the following  
5 approval functions:

6  
7 (i) Approve all new ~~credit certificate and degree~~  
8 programs qualifying for state funding pursuant to the  
9 statewide community college strategic plan developed under  
10 subsection (h) of this section;

11  
12 (ii) Review existing ~~certificate and degree~~  
13 programs, determine the most effective and efficient  
14 delivery of programs qualifying for state funding pursuant  
15 to the statewide community college system strategic plan  
16 and terminate state funding for those programs ~~with~~  
17 ~~consistently low enrollment~~ which are inconsistent with the  
18 statewide community college system strategic plan;

19  
20 (e) The commission shall perform the following review  
21 and report functions:

22

1           (v)(A) The commission shall provide annual  
2 reports to the legislature and governor on the performance  
3 of individual community colleges and the college system as  
4 well as on the achievement of statewide priorities as  
5 ~~defined by the legislature and as~~ specified in the  
6 statewide college system strategic plan. The commission and  
7 the colleges shall work together in a collaborative effort  
8 in defining the report formats and the methodology and data  
9 elements required in preparing the reports and a reasonable  
10 time line for completion of reports;

11

12           (B) For the reporting effort under this  
13 paragraph, the commission shall maintain a management  
14 information system and each community college shall  
15 maintain accurate administrative records to provide the  
16 necessary data to the commission for these studies and  
17 reports. ~~The core measurements defined by the American~~  
18 ~~Association of Community Colleges shall be used.~~ The  
19 colleges shall provide the commission with all data  
20 required in preparing each of the reports the commission  
21 shall request. The commission and the colleges shall  
22 safeguard all institutional and individual student record  
23 data under the provisions of the Privacy Act of 1974 and

1 the Family Educational Rights and Privacy Act or subsequent  
2 similar enactments;

3

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

9

10 (h) The commission shall prior to the beginning of  
11 each biennial budget period, review, update and modify the  
12 statewide college system strategic plan. The plan shall  
13 clearly prescribe the components of the educational program  
14 and attach program components to statewide system  
15 priorities. This plan shall serve as the basis for state  
16 operational and capital construction budget requests and  
17 funding of the statewide college system for the applicable  
18 biennial budget period. In developing, reviewing and  
19 updating the strategic plan, the commission shall:

20

21 (i) Consult with the seven (7) community  
22 colleges, state and local governmental agencies and other

1 agencies and organizations representing state economic and  
2 industry sectors;

3  
4 (ii) Include mechanisms within the planning  
5 process which assure statewide access to academic programs,  
6 career-technical education and training programs, dual and  
7 concurrent enrollment programs, remedial and continuing  
8 education programs responding to needs of students,  
9 employers and the state workforce, including program access  
10 through outreach or coordinated electronic system  
11 technology;

12  
13 (iii) Develop performance benchmarks, outcome  
14 measures and other performance indicators which serve as  
15 the basis for annual reporting to the legislature and the  
16 governor under paragraph (e)(v) of this section, including  
17 but not limited to:

18  
19 (A) Student goal attainment and retention;

20  
21 (B) Persistence;

22

1 (C) Degree and certificate completion

2 rates;

3

4 (D) Placement rate of graduates in the

5 workforce;

6

7 (E) Licensure and certification pass rates;

8

9 (F) Demonstration of critical literacy

10 skills;

11

12 (G) Success in subsequent, related

13 coursework;

14

15 (H) Number and rate of students who

16 transfer.

17

18 (iv) Attach performance indicators to funding

19 incentives to achieve established results.

20

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

22

1           (a) In collaboration with the boards of the community  
2 colleges, the commission shall submit state appropriation  
3 requests on behalf of the community college system in  
4 compliance with the statewide community college system  
5 strategic plan, which are based upon amounts appropriated  
6 to the system by the legislature for the biennial period  
7 immediately preceding the biennium for which the budget  
8 request is to be made. Exception budget requests may be  
9 made for any biennial budget period by the commission on  
10 behalf of the college system which are in addition to the  
11 prior period adjusted amount and unless otherwise specified  
12 by the commission, are limited exclusively to the fiscal  
13 period for which the request is submitted and shall not be  
14 included in any subsequent biennial budget request. The  
15 requests shall be made upon forms and in a format to be  
16 determined by the budget division of the department of  
17 administration and information.

18

19           **21-18-205. Appropriation and distribution of state**  
20 **funds; restrictions; budget authority.**

21

22           (c) State funding for the assistance of community  
23 colleges shall be appropriated to the community college

1 commission unless otherwise specified by law. Subject to  
2 the provisions of this section, funds appropriated for each  
3 biennium shall be distributed by the commission to  
4 community colleges in amounts determined by a funding  
5 allocation model adopted by rule of the commission. Funding  
6 allocation model components for fixed and variable costs  
7 shall be defined by and computed in accordance with  
8 guidelines and procedures prescribed by rule and regulation  
9 of the commission, applied to the distribution of state  
10 appropriations for each biennial budget period and  
11 recalibrated at a schedule specified by rule and regulation  
12 of the commission, but in no event less than once every  
13 four (4) years. The commission ~~may~~ shall maintain a  
14 contingency reserve account in accordance with this  
15 subsection utilizing any revenue derived under W.S.  
16 9-4-601(b)(iv)(A) to be ~~distributed as a component of the~~  
17 ~~funding allocation model~~ allocated to community colleges  
18 for specific use by the colleges for emergency repairs and  
19 preventive maintenance of building square footage required  
20 for provision of those education programs comprising the  
21 statewide college system strategic plan. If the  
22 unobligated, unencumbered balance of the contingency  
23 reserve account established under this subsection is

1 thirty-five million dollars (\$35,000,000.00) as of July 1  
2 of any fiscal year, the revenues under W.S.  
3 9-4-601(b)(iv)(A) may be distributed by the commission in  
4 the same manner as state appropriations for major building  
5 and facility repair and replacement.

6  
7 (e) The commission may by exception budget, request  
8 additional state funding to be designated as special  
9 purpose funding, accounted for and distributed separately  
10 from distributions under the funding allocation model.  
11 Special purpose funding under this subsection shall be  
12 limited to amounts and for the period of time specified by  
13 the legislature and shall not be included in any subsequent  
14 biennial budget unless specifically requested by the  
15 commission and approved by the legislature. Funds  
16 appropriated pursuant to this subsection shall be  
17 distributed in amounts and at times determined by the  
18 commission, subject to the following:

19  
20 (i) Special purpose funding, accounted for  
21 separately, to be designated as adjustments to funding  
22 allocation model distributions for the effects of  
23 enrollment growth shall not be transferred to or expended

1 for any other purpose. Any amount of this special purpose  
2 funding request remaining unexpended or unencumbered at the  
3 end of the budget period for which appropriated shall  
4 revert according to law;

5  
6 (ii) Special purpose funding may be requested  
7 under this subsection for use by the commission in funding  
8 new programs addressing unanticipated and emerging  
9 statewide needs during the biennial budget period which are  
10 consistent with the statewide community college system  
11 strategic plan. Funds appropriated by the legislature for  
12 purposes of this paragraph shall be accounted for  
13 separately and shall not be transferred or expended for any  
14 other purpose or as part of state assistance under  
15 subsection (c) of this section. Any unexpended or  
16 unencumbered amount of special purpose funding under this  
17 paragraph remaining at the end of the budget period for  
18 which appropriated shall revert as provided by law.

19  
20 (f) Up to eight percent (8%) of each community  
21 college's unrestricted operating funds for a biennium may  
22 be carried forward into the next biennium by each community  
23 college. The cumulative total amount of unrestricted

1 operating funds carried forward from previous bienniums  
2 under this subsection shall never exceed eight percent (8%)  
3 of the community college's current biennium unrestricted  
4 operating funds. Funds carried forward in accordance with  
5 this subsection shall not lapse pursuant to W.S. 9-4-207  
6 and commencing with the 2011-2012 biennium and each  
7 biennium thereafter, a portion of the funds carried forward  
8 shall be expended only for emergency needs, as defined by  
9 rule and regulation of the commission and associated with  
10 the operation of education programs included within the  
11 statewide college system strategic plan. Determination of  
12 the unrestricted operating funds carried forward under this  
13 subsection which are subject to the expenditure limitation  
14 imposed under this subsection shall, for each community  
15 college, be based upon the proportion of that college's  
16 total operating revenues comprised of state appropriations,  
17 as computed for the immediately preceding fiscal year.

18

19 **21-18-304. District board generally; duties.**

20

21 (a) The community college district board shall:

22

1           (xi) Develop and maintain a comprehensive plan of  
2 district buildings addressing district long-term building  
3 needs, clearly distinguishing those building needs  
4 associated with education space needs attached to the  
5 statewide college system strategic plan developed by the  
6 community college commission under W.S. 21-18-202(a)(v)  
7 from other district needs which may be included within the  
8 district's long-term plan. Building plans and capital  
9 construction requests shall be submitted to the commission  
10 in a form and format specified by commission rule and  
11 regulation. In addition, the board shall provide planning,  
12 design and other information required by the department of  
13 administration and information under W.S. 21-18-225(g) and  
14 shall cooperate with the department and the commission as  
15 necessary to undertake any building construction project  
16 receiving state funds and addressing needs prioritized by  
17 the commission in accordance with W.S. 21-18-225.

18

19           **Section 3.** W.S. 21-18-202(b)(vii), (e)(v)(C)(I)  
20 through (XIII) and (D) is repealed.

21

22           **Section 4.** [INITIAL STRATEGIC PLAN DEVELOPMENT]

23

1           (a) In executing W.S. 21-18-202(h), as amended by  
2 section 2 of this act, and prior to development of  
3 2011-2012 biennial budget requests required by W.S.  
4 21-18-202(c)(ii), as amended by section 2 of this act, and  
5 W.S. 21-18-225, as created by section 1 of this act, the  
6 commission shall:

7

8           (i) Following discussions with and consideration  
9 of contributions by the seven (7) community colleges, state  
10 and local governmental agencies and other agencies and  
11 organizations representing state economic and industry  
12 sectors required under W.S. 21-18-202(h)(i), as amended  
13 under section 2 of this act, report preliminary recommended  
14 components of the statewide strategic plan to the governor,  
15 to members of the joint appropriations and joint education  
16 interim committees of the legislature and to members of the  
17 community college planning task force created by 2008  
18 Wyoming session laws, chapter 48, section 327;

19

20           (ii) Schedule and conduct a joint meeting of the  
21 commission and representatives of the governor, the  
22 legislative joint appropriations and joint education  
23 interim committees and representatives of the community

1 college planning task force, for purposes of joint  
2 consideration of the preliminary statewide strategic plan  
3 components and state interests identified and incorporated  
4 into the plan;

5

6 (iii) On or before July 31, 2009, prepare a draft  
7 statewide strategic plan forwarded as result of the joint  
8 meeting conducted in accordance with paragraph (ii) of this  
9 subsection, which shall be of sufficient content and scope  
10 to guide budget development under paragraph (iv) of this  
11 subsection;

12

13 (iv) Utilize the draft statewide strategic plan  
14 forwarded under paragraph (iii) of this subsection as the  
15 basis for assembling 2011-2012 biennial budget  
16 recommendations for operational and facility major  
17 maintenance funding required under W.S. 21-18-202(c)(ii),  
18 as amended by section 2 of this act, and facility  
19 prioritization and funding under W.S. 21-18-225, as created  
20 under section 1 of this act;

21

22 (v) Submit the draft statewide strategic plan  
23 forwarded under paragraph (iii) of this subsection to each

1 president of the seven (7) community colleges. After  
2 review of the draft plan, each president shall report back  
3 to the commission prior to the timelines specified under  
4 paragraph (vi) of this subsection and the November 1, 2009,  
5 final report date required under 2008 Wyoming session laws,  
6 chapter 84, section 2. Upon approval of a majority of the  
7 seven (7) college presidents, the commission shall forward  
8 the draft statewide strategic plan pursuant to paragraph  
9 (vi) of this subsection;

10

11 (vi) Prior to completion of the final statewide  
12 strategic plan by November 1, 2009 as required by and in  
13 accordance with 2008 Wyoming session laws, chapter 84,  
14 section 2, and following approval of the majority of  
15 college presidents under paragraph (v) of this subsection,  
16 convene an additional joint meeting of the commission and  
17 representatives of the governor, the legislative joint  
18 appropriations and joint education interim committees and  
19 representatives of the community college planning task  
20 force. Recommendations for components of the statewide  
21 strategic plan, to be applied to the 2011-2012 biennium,  
22 shall be presented to meeting participants by the  
23 commission. No meeting shall occur unless a representative

1 from each of the participants designated under this  
2 paragraph is in attendance. Based upon discussions  
3 resulting from this meeting, a statewide strategic plan  
4 reflecting meeting discussions shall be forwarded by the  
5 commission to the governor, members of the joint  
6 appropriations and joint education interim committees and  
7 members of the community college planning task force;

8  
9 (vii) Allow any participant of the joint meeting  
10 conducted under paragraph (vi) of this subsection to,  
11 within thirty (30) days after receipt of a plan forwarded  
12 under paragraph (vi) of this subsection, file an exception  
13 to or a concern with the forwarded plan. On or before  
14 January 1, 2010, the commission shall provide specific  
15 recommendations addressing any filed exceptions or concerns  
16 to the joint appropriations and joint education interim  
17 committees;

18  
19 (viii) Report the final statewide strategic plan  
20 developed under this section and 2008 Wyoming session laws,  
21 chapter 84, section 2, and applicable to the 2011-2012  
22 biennium, to the governor and members of the legislature  
23 prior to the commencement date of the 2010 budget session

1 of the legislature, together with any specific  
2 recommendations forwarded under paragraph (vii) of this  
3 subsection.

4

5 **Section 5.** [CONSIDERATION OF COLLEGE RESERVES]

6

7 (a) In computing the distribution of state  
8 appropriations in accordance with W.S. 21-18-205(c) as  
9 amended by section 2 of this act, for the biennium  
10 commencing July 1, 2010, and ending June 30, 2012, the  
11 commission shall not consider the balance of any  
12 unrestricted operating funds carried forward by any college  
13 from previous biennial budget periods pursuant to W.S.  
14 21-18-205(f), as amended by section 2 of this act and  
15 existing on June 30, 2010. In addition, this balance of  
16 funds carried forward and existing on June 30, 2010, shall  
17 not be restricted in any manner by the commission.

18

19 (b) In addition to subsection (a) of this section and  
20 in computing the 2011-2012 biennial budget request for the  
21 community college system under W.S. 21-18-203(a), as  
22 amended by section 2 of this act, the commission shall  
23 adjust the total 2009-2010 state appropriations to the

1 community college system, as approved and adopted by the  
2 legislature, combined with the total amount collected from  
3 the college four (4) mill levy required under W.S.  
4 21-18-205(a)(ii) as considered by the funding allocation  
5 model during this same period, by adding to this amount the  
6 sum of the reserve fund balance authorized under W.S.  
7 21-18-205(f) and existing for each college as of June 30,  
8 2007. The total amount computed under this subsection  
9 shall constitute the baseline amount for purposes of  
10 determining the 2011-2012 biennial budget request.

11

12 **Section 6.** [HOLD HARMLESS]

13

14 (a) Using computations of community college district  
15 distributions under the funding allocation model pursuant  
16 to W.S. 21-18-202(c)(i) and 21-18-205(c), as amended by  
17 section 2 of this act, the community college commission  
18 shall ensure that the total state appropriations  
19 distributed to each college under the funding allocation  
20 model for each fiscal year during the biennium commencing  
21 July 1, 2010, and ending June 30, 2012, when combined with  
22 the total amount of revenues from the four (4) mill levy  
23 required under W.S. 21-18-205(a)(ii) as considered by the

1 funding allocation model for that district during that same  
2 biennial period, shall not be less than one hundred percent  
3 (100%) of the total amount of state appropriations  
4 distributed to that college district during the biennial  
5 period beginning July 1, 2008, and ending June 30, 2010,  
6 adjusted by adding to this amount the sum of the total  
7 amount collected by that district under the required four  
8 (4) mill levy considered by the funding allocation model in  
9 that biennium and any reserve fund balance existing on June  
10 30, 2007, for that college district.

11

12 (b) In addition to subsection (a) of this section, the  
13 commission shall, using computations of community college  
14 district distributions under the funding allocation model,  
15 ensure that the total state appropriations distributed to  
16 each college district, when combined with the total amount  
17 of revenues from the four (4) mill levy required under W.S.  
18 21-18-205(a)(ii) as considered by the funding allocation  
19 model for that district during that same fiscal period, is  
20 as follows:

21

22 (i) For the fiscal year beginning July 1, 2012,  
23 and ending June 30, 2013, not less than ninety percent

1 (90%) of the total state appropriations distributed to that  
2 college district during the fiscal year beginning July 1,  
3 2009, and ending June 30, 2010, plus the sum of the total  
4 amount collected by that district under the required four  
5 (4) mill levy considered by the funding allocation model  
6 for that fiscal year and fifty percent (50%) of any reserve  
7 fund balance existing on June 30, 2007, for that college  
8 district; and

9

10 (ii) For the fiscal year beginning July 1, 2013,  
11 and ending June 30, 2014, not less than eighty percent  
12 (80%) of the total state appropriations distributed to that  
13 college district during the fiscal year beginning July 1,  
14 2009, and ending June 30, 2010, plus the sum of the total  
15 amount collected by that district under the required four  
16 (4) mill levy considered by the funding allocation model  
17 for that fiscal year and fifty percent (50%) of any reserve  
18 fund balance existing on June 30, 2007, for that college  
19 district.

20

21 **Section 7.** [APPROPRIATIONS AND POSITION AUTHORIZATIONS]

22

1           (a) The Wyoming community college commission is  
2 authorized two (2) additional full-time positions to carry  
3 out duties prescribed under W.S. 21-18-203(a) and  
4 21-18-205(e), as amended by section 2 of this act, and in  
5 establishing state community college system budgets and  
6 administering the allocation of state appropriations as  
7 required by this act. For purposes of this subsection, two  
8 hundred thousand dollars (\$200,000.00) is appropriated from  
9 the general fund to the community college commission for  
10 the period commencing on the effective date of this  
11 subsection and ending June 30, 2010. This appropriation  
12 shall be expended for the costs of the additional positions  
13 only.

14

15           (b) One hundred fifty thousand dollars (\$150,000.00)  
16 is appropriated from the general fund to the Wyoming  
17 community college commission for an additional full-time  
18 position within the commission to manage data requirements  
19 associated with the administration of the strategic  
20 planning responsibilities imposed by W.S. 21-18-202(h), as  
21 amended by section 2 of this act. This appropriation is  
22 for the period commencing on the effective date of this  
23 subsection and ending June 30, 2010, and the expenditure of

1 this appropriation shall be restricted to funding the  
2 additional position authorized by this subsection.

3

4 (c) For the period commencing July 1, 2009, and ending  
5 June 30 2010, two hundred fifty thousand dollars  
6 (\$250,000.00) is appropriated from the general fund to the  
7 community college commission. To commence efforts to  
8 process community college building needs, this  
9 appropriation shall be distributed by the commission to  
10 those community colleges whose capital construction  
11 requests have been prioritized by the commission in  
12 accordance with W.S. 21-18-225(d), as created by section 1  
13 of this act, to be expended by the colleges to defer the  
14 costs associated with developing and assembling planning,  
15 design and other information necessary to commence review,  
16 analysis and study by the general services division of the  
17 department of administration and information required under  
18 W.S. 21-18-225(g), as created under section 1 of this act.  
19 The amount distributed to each college shall be determined  
20 by the commission and shall be distributed as assistance  
21 covering a portion of the total costs of planning and  
22 document preparation. Prior to November 1, 2009, the  
23 commission shall report the amounts distributed under this

1 subsection, together with the recipient college districts,  
2 to the joint education interim committee and the community  
3 college planning task force. No amount of this  
4 appropriation shall be expended for planning and document  
5 preparation of any portion of a project which is not  
6 aligned with the statewide college system strategic plan  
7 developed and maintained by the commission under W.S.  
8 21-18-202(a)(v), as amended by section 2 of this act.

9

10 (d) The community college commission is authorized one  
11 (1) additional full-time position to coordinate the  
12 commission's community college capital construction process  
13 established by W.S. 21-18-225, as created by section 1 of  
14 this act, with the general services division, department of  
15 administration and information. This position shall also  
16 work with the colleges to ensure required and necessary  
17 planning information and documentation is prepared and  
18 submitted to the general services division as necessary to  
19 perform necessary review, study and analysis for  
20 development of recommendations to the state building  
21 commission. One hundred seventy-five thousand dollars  
22 (\$175,000.00) is appropriated from the general fund to the  
23 commission for the period commencing with the effective

1 date of this subsection and ending June 30, 2010. This  
2 appropriation shall only be expended for the costs of the  
3 additional position.

4

5 (e) Three hundred thousand dollars (\$300,000.00) is  
6 appropriated from the general fund to the community college  
7 commission to develop and maintain the comprehensive  
8 assessment of community college buildings and future space  
9 requirements as required under W.S. 21-18-225(c), as  
10 created by section 1 of this act, and to integrate the  
11 existing college facilities data base as maintained by the  
12 commission with the state facilities data base maintained  
13 by the department of administration and information, as  
14 necessary to administer W.S. 21-18-225, as created by  
15 section 1 of this act. This appropriation shall be  
16 expended only for purposes of this subsection and shall be  
17 for the period commencing upon the effective date of this  
18 subsection, and ending June 30, 2010.

19

20 (f) Three hundred fifteen thousand dollars  
21 (\$315,000.00) is appropriated from the general fund to the  
22 general services division within the department of  
23 administration and information, for the addition of not

1 more than three (3) at-will employee positions within the  
2 construction management office of the division, as  
3 appropriated in accordance with W.S. 9-2-1022(a)(xi)(F).  
4 This appropriation shall be for the period beginning with  
5 the effective date of this subsection and ending June 30,  
6 2010, and shall be expended only for additional at-will  
7 employee positions and for other expenses necessary to:

8

9 (i) Conduct planning and review of community  
10 college building needs prioritized by the community college  
11 commission under W.S. 21-18-225(d), as created by section 1  
12 of this act;

13

14 (ii) Develop necessary recommendations for  
15 projects addressing prioritized community college building  
16 needs for consideration by the state building commission  
17 under W.S. 21-18-225(g), as created by section 1 of this  
18 act;

19

20 (iii) Supervise construction of authorized  
21 community college projects and review and approve  
22 prescribed phases of authorized construction projects prior  
23 to release of state funds by the commission, as required

1 under W.S. 21-18-225(j), as created by section 1 of this  
2 act.

3

4 (g) One hundred fifty thousand dollars (\$150,000.00)  
5 is appropriated from the general fund to the community  
6 college commission to develop guidelines and criteria  
7 necessary for segregating variable and fixed cost data as  
8 used in establishing components and component proportions  
9 for the funding allocation model in accordance with W.S.  
10 21-18-205(c), as amended by section 2 of this act.  
11 Established guidelines and criteria shall be used by  
12 community college districts in reporting cost data to the  
13 commission. Guidelines and criteria shall be adopted by  
14 the commission in sufficient time to enable use in model  
15 computations effective for the biennium commencing July 1,  
16 2010, and ending June 30, 2012. The appropriation under  
17 this subsection shall be for the period commencing upon the  
18 effective date of this subsection and ending June 30, 2010,  
19 shall be expended for purposes specified in this subsection  
20 only and may be used for contractual services as necessary  
21 to obtain required analytical expertise in carryout this  
22 subsection.

23

1           **Section 8.** [EFFECTIVE DATES]

2

3           (a) Except as provided by subsection (b) of this  
4 section, this act is effective July 1, 2009.

5

6           (b) Notwithstanding subsection (a) of this section,  
7 sections 4 and 7(a), (b), (d), (e), (f) and (g) are  
8 effective immediately upon completion of all acts necessary  
9 for a bill to become law as provided by Article 4, Section  
10 8 of the Wyoming Constitution.

11

12

(END)

# Appendix A

2008 Wyoming Session Laws, Chapter 48, Section 327

[COMMUNITY COLLEGES - TASK FORCE PLANNING STUDY]

**Section 327.**

(a) There is created a community college planning task force to consist of the following:

(i) The chairman of the senate education committee and two (2) additional members of the senate appointed by the president of the senate, not more than one (1) of which shall be from the same political party. The chairman, or another senate member designated by the chairman, shall serve as cochairman of the task force;

(ii) The chairman of the house education committee and two (2) additional members of the house of representatives appointed by the speaker of the house, not more than one (1) of which shall be from the same political party. The chairman, or another house member designated by the chairman, shall serve as cochairman of the task force;

(iii) Nine (9) members appointed by the governor as follows:

(A) Two (2) representatives of community colleges to reflect academic and vocational missions of the colleges;

(B) One (1) member representing the department of workforce services;

(C) One (1) member representing the Wyoming travel, recreation and tourism industry;

(D) One (1) representative of the Wyoming oil and gas industry;

(E) One (1) representative of the Wyoming mining industry;

(F) One (1) representative of the small business community in Wyoming;

(G) One (1) representative of the Wyoming health care industry;

(H) One (1) representative of the public.

(b) The task force shall review and evaluate the existing community college system and in conjunction with the statewide college system strategic plan required under 2008 House Bill 0017, if enacted into law, develop recommendations to:

(i) Conduct a statewide study on the current capacity level of the college system based upon established student population projections and projected state academic and workforce needs and provide estimates on recommended future capacity needs;

(ii) Create a system which evaluates and prioritizes community college capital construction;

(iii) Identify options for funding of community college capital construction;

(iv) Allocate programming to meet the needs of students in the most cost effective manner;

(v) Address the needs of industry in the development of a trained and skilled workforce;

(vi) Restructure the governance of the community college system to provide for unified oversight and accountability;

(vii) Explore a statewide community college system in respect to governance, revenue generation and representation on the commission; and

(viii) Create a seamless educational system between K-12 to post secondary education.

(c) Appointments shall be in sufficient time to enable the first meeting of the task force to be held not later than May 1, 2008. Thereafter, task force meetings shall be scheduled upon the call of the cochairmen.

(d) The task force may retain consultants as necessary to fulfill its duties under this section and shall administer contracts for consultants to the legislature as approved by management council. The management council may expend funds appropriated under this section for contractual agreements between the council, on behalf of the task force, and professional consultants retained pursuant to this section. The legislative service office, with the assistance of the Wyoming community college commission, shall staff the task force and state agencies shall provide information to the task force as requested in order to fulfill its duties.

(e) Legislative members of the task force shall receive compensation, per diem and travel expenses in the manner and amount as prescribed by W.S. 28-5-101. Remaining task force members who are not state employees shall receive the per diem and mileage at the rate paid members of the Wyoming legislature under W.S. 28-5-101 for each day of actual task force meetings and travel to those meetings.

(f) The task force shall report its findings and recommendations to the joint appropriations interim committee and the joint education interim committee by November 1, 2008. The joint education interim committee shall forward any legislation necessary to implement task force recommendations in the 2009 legislative session.

(g) One hundred thirty-five thousand dollars (\$135,000.00) is appropriated from the general fund to the legislative service office for the period commencing on the effective date of this section and ending March 31, 2010, as necessary to fund the community college planning task force in carrying out its duties under this section.

(h) This section is effective immediately.

(j) This section is repealed March 31, 2010.

## **Appendix B**



## **RECOMMENDATIONS & REPORT**

**To the Community College Study Task Force**

**July 2008**

### **Funding Model**

Wyoming Statutes §21-18-202 (c) include the following administrative functions for the Wyoming Community College Commission:

- (i) Create and maintain a funding allocation model by rule;
- (ii) Prepare budget requests for the operation and support of the colleges and the commission;

In recent years, these two functions have been combined in one model, serving as both a mechanism for developing a budget request and as a means to distribute resources provided. The commission has decided to no longer employ the funding allocation model to develop the biennial budget request and will be proposing a change to rules to separate the two functions mandated in (i) and (ii) above. For subsequent biennial budget requests, a standard budget will be determined by using the prior biennium budget augmented by any on-going exception budget elements approved by the legislature. State-initiated external cost adjustments such as payroll increases will be included in the standard budget in accordance with practice for other state agencies. Additionally, a prioritized list of exception budget requests will be presented in conformance with W.S. §21-18-205 (e): “The commission may request additional state funding to be designated special purpose funding, accounted for and distributed separately from distributions under the funding allocation model. Funds appropriated pursuant to this subsection shall be distributed in amounts and at times determined by the commission.”

The funding allocation model that the commission will propose for approval by the governor and the management council of the legislature will have the following principal components:

- A two-part structure, consisting of fixed and variable components. The fixed portion will be determined by expenditures from the colleges’ operations of plant and related, non-variable expenses. The second component will address variable aspects related to instructional support.
- Support for instruction will be distributed using a system cost per credit calculation in one of three levels of instruction, dependent upon the intrinsic costs of delivery.
- A pool to fund increases in credit instruction will be included in the exception budget request to compensate for interim increases in enrollments.
- Calculation of average credit output (enrollment) will be based on a three-year, rolling average for decreases. The timing of the biennial budget will form the basis of adjustments for increases, with the potential for interim augmentations depending on the funding of a growth pool.
- Initially, provision will be made to limit a college’s decrease in funding within a given biennium (hold harmless), to be phased out over three years.

## Recommendations for Changes

The following are listed in priority order and may require legislative action. Some of these recommendations will require statutory changes; others may be accomplished within the current responsibility of the commission to formulate rules and policies. It is acknowledged that some items may require additional study, data collection, and analysis before any formal action can be taken.

1. Establish standing for the community college system within the Wyoming Constitution  
Of the three systems of education in the state, the only one currently not specifically mentioned in the Constitution is the community colleges, causing a lack of clarity as to how the state should be invested in the operation and support of this vital component of the state's educational triad.
2. Change the one-mill levy  
W.S. § 21-18-303 (b) provides community college districts with the ability to assess an additional ad valorem levy of one mill that, "... shall not be restricted by the commission in any manner but shall be identified in the biennial funding report of the college..." This restriction complicates the equitable distribution of resources and prohibits the commission's fiscal oversight.
3. Establish the state's role in funding community college capital construction  
The role of the state in funding capital facilities and equipment at the colleges must be clarified. A uniform, stable source of funding should be determined and guidance provided so that the commission can act as the state's agent in prioritizing and coordinating capital projects that support the state's interest.
4. Update the statutory references to performance  
W.S. § 21-18-202 (e)(v)(A) directs the commission to report to the legislature and governor on 13 indicators of performance that were developed over ten years ago and have subsequently been revised and updated. With the mandate of EA 57, the commission is now responsible for a biennial, statewide strategic plan that is a direct basis for definition and measurement of performance and will contain metrics that may differ from those in current law.
5. Examine the conditions and inequities caused by the current seven district system  
Recent growth in some outreach areas, notably Campbell and Albany counties, has stretched the limits of a system that relies on local tax revenue from seven counties to support a statewide system of community colleges. Issues of taxation and the distribution of resources should be addressed on a basis of maximizing equity and promoting the state's interests.
6. Review and modify current BOCES/BOCHES statutes  
With respect to the delivery of postsecondary educational services, current statutes (W.S. §21-2-101-111) provide a means of collaboration between K-12 and postsecondary institutions to deliver educational services. The actual mechanics of agreements and the variance in costs and services merit more coordinated oversight. For the community colleges, that oversight can best be provided by the commission.
7. Address the need for coordination in credit transfer & transition from K-12 to postsecondary  
The Wyoming Education Planning and Coordination Council (WEPCCC) is established in statute (W.S. §21-16-601-602) and is charged in part with collecting and disseminating information affecting Wyoming education. This group, or an equivalent, should be invigorated to fulfill this role.

8. Standardize and simplify the delivery of dual/concurrent enrollment

The Wyoming Postsecondary Education Options Program (W.S. §21-20-201) provides a mechanism for stimulating secondary students to participate in college level instruction, but information about this program, more unified coordination and delivery as well as notation in secondary and postsecondary transcripts is warranted.

9. Recognize and further develop community college centers of excellence

Recognition should be given to the unique assets of each community college and direct resources strategically to optimize their efficacy and ability to comprehensively serve their communities, their regions, the state and the nation.

In addition to the nine items above, the commission is also committed to continued work in addressing areas of concern that may also be of interest to the task force.

1. Fee structures

The community colleges should have the authority and flexibility to assess fees commensurate with fairly appropriating costs to the beneficiaries of services provided. However, with respect to fulfilling the commission's role of coordinating the state's interests, some further clarification may be called for depending on eventual changes in some of the areas cited above.

2. Oversight of non-credit programs

Especially in the area of workforce training, an examination of the proper role for the state in support and oversight of non-credit courses is warranted. Where such offerings coincide with the state's interests, some augmentation and/or change to current practice may be called for. The commission is currently working on one aspect of non-credit: a performance-based funding model for adult basic education (ABE).

3. Advising

As part of the broader issues related to performance, transfer of credit and the articulation between various educational sectors, advising plays an important and integral part in how effectively and smoothly students are able to access education and attain success. Although advising is traditionally in the province of the colleges, some incentives may be appropriate to encourage innovation and model best practice in this area.

4. Coordination of statewide programs

The commission should be the central agency to assist with the coordination of programs of statewide impact and interest, especially those initiated by state agencies such as the Department of Workforce Services and the Department of Employment.

5. Distance education

The unique nature of online education diminishes the influences of location and geography, while making it more difficult to accurately determine and report the demographic characteristics of participating students. Further research will be undertaken to determine means to enhance access while avoiding unnecessary duplication.

## **Appendix C**

## Survey Response Summary

### Prepared by LSO - July 2, 2008

Information below is provided in follow-up to surveys conducted in May 2008. Responses from Wyoming community college presidents and other Wyoming stakeholder groups, as obtained through a separate survey, are summarized and organized into the following major categories:

- 1) Governance
- 2) Capital Construction
- 3) Funding
- 4) Community Needs-Workforce Development

### **Governance**

#### Authority & Structure

Comments from community college presidents overwhelming support the current governance structure. Within this group the majority agree that legislative authority provided to the Community College Commission is adequate. Several comments from college presidents offer support to expand college board membership to allow representation of the Commission, State Workforce Service and Business Council directors and/or service area residents.

Comments from stakeholders on this topic indicate there is a need for additional Commission authority and oversight. One comment suggests a system change using one governing board with authority over all community colleges.

#### Coordination & Collaboration

Comments from the Stakeholder perspective indicate current system coordination and collaboration efforts could be improved. Areas for improvement are identified as follows:

- Articulation Process – Several stakeholders indicate the process and articulation agreements should be standardized statewide, with curriculum alignment, or otherwise improved to a level that allows seamless student progression and eliminates credit transfer problems.
- Overall System Coordination-Stakeholders indicate a need for a centralized data system for tracking students in concurrent enrollment programs; better coordination particularly in distance education programs; the need to limit duplication of educational programs; the need to address a disconnect between vocational and academic segments; the need for greater faculty input and the need for improved communication system-wide across all colleges and levels including K-12 and the University.

## Determining State Needs & Priorities

Community college president comments suggest that once determined at the higher level, the strategic plan developed through the Commission, is the appropriate vehicle for determining specific programs required in order to address state needs and priorities.

## Performance Indicators

The majority of community college presidents suggest continued use of core indicators as developed and accepted nationally. Further, several comments offer that expanding these core indicators to include the following would be appropriate:

- Service to outreach areas
- Kansas study additional benchmarks
- Successful remediation of students, originally identified as starting out behind

## **Capital Construction**

### Prioritization & Process

The majority of community college president comments support a centralized process. Comments suggest the Commission acting as the hub, could develop priority criteria through existing and new rules. In developing prioritization criteria, comments generally recommend the use facility master plans, the Commission's facility handbook, facility space utilization studies and other means according to national space standards. Several comments also indicate that all cap con requests should go through the Commission.

### Cap Con Funding Sources

Comments from community college presidents vary in regard to how to fund capital construction, however the majority agree the cost burden should be shared by the state and local entities. Several comments indicate a capital construction matching challenge program is also an option to defray some of the cost.

## **Funding**

### Funding Distribution Formula

The majority of comments from community college presidents and including two stakeholders, indicate support for the following:

- Use of an external cost adjustment
- Neutralizing the effect of cash reserves
- Providing a mechanism to address enrollment growth

Several other repeat comments primarily from college presidents and including one stakeholder, also indicate support for the following:

- Preserving the levels of instruction-cost weighting factors (1.0, 1.5, 2.0)
- Preserving the 2% safety net
- Providing funding incentives
- Providing a funding mechanism for non-credit courses/training
- Provide an economy of scale factor
- Provide funding for workforce development training

College presidents also indicate by their comments, support of the block grant concept. College president comments further indicate that current restrictions on the use of state funds are adequate however, should the legislature appropriate funds for a special purpose, it is appropriate to restrict usage of these funds.

### Funding Sources

Several comments from college presidents, which include one other stakeholder, indicate support of a statewide levy. In addition, community college presidents suggested a variety of funding sources. Among these are:

- Increase local levy
- Local levy of service area counties
- Federal mineral royalty diversions
- Increased state general funds
- Severance taxes
- Liquor & tobacco tax
- Lodging & earmarked sales tax
- Coal lease bonus funds
- AML funds

## Community Needs

### Workforce Development

Stakeholder comment is largely concentrated in the community needs category and specifically identifies the following workforce needs:

- Workforce training programs
- Equipment
- Facilities
- A mechanism for more timely response to workforce training needs
- Training programs and ABE funding for inmates
- Increased opportunities for partnering with business & industry

Several stakeholder comments suggest that all colleges should provide basic career field courses, while high cost and specialized programs should be limited.

Several stakeholder comments highlight Wyoming's retirement age population, citing needs for life long learning and enrichment opportunities, as well as technical training for workers who choose to stay in the workforce, but may change careers/jobs.