



Wyoming Department of Education

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MEMORANDUM 2007 – 057

TO: School District Superintendents

FROM: Mary Kay Hill, Director 
Administration Unit

DATE: March 16, 2007

SUBJECT: Chapter 30- Rules and Regulations Governing Private
School Registration/Licensing for Private Degree
Granting Post-Secondary Education Institutions

PLEASE READ AND RESPOND AS NECESSARY

Please find enclosed final rules and the signed certification page for Chapter 30 – Rules and Regulations Governing Private School Registration/Licensing for Private Degree Granting Post-Secondary Degree Granting Institutions. These rules were certified by the Wyoming Department of Education on January 11, 2007 and by Governor Freudenthal on February 27, 2007.

If you have any questions or need further information, please contact Jennifer Duncan at (307) 777-6213.

Thank you.

MKH: jd

Enclosures

Appendix A

CERTIFICATION PAGE FOR RULES

Adoption Date: January 11, 2007

To guarantee review by the Secretary of State within the 75 day deadline, this package must be submitted to the Secretary of State by: March 26, 2007

GENERAL INFORMATION:

1. Agency: Wyoming Department of Education
Address: 2300 Capitol Avenue, 2nd Floor Hathaway Building
Cheyenne, WY 82002
Agency Contact Person for these Rules: Jennifer Duncan
Work Telephone: (307) 777-6213
2. Are these new rules? ("new" – means the first set of regular rules to be promulgated by this agency after the Legislature adopted a new statutory provision or significantly amended an existing statute) Yes X No _____
3. Chapter # and name of rules being created, amended or repealed: Chapter 30, Rules and Regulations for Private School Registration/Licensing for Private Degree Granting Post-Secondary Education Institutions
4. Does this rule replace an existing rule? Yes x No _____ If yes, which chapter(s)? Chapter 30, Private School Licensing for Post Secondary Degree Granting Institutions

NOTICE OF INTENDED RULEMAKING TO AG, LSO AND SECRETARY OF STATE

5. Notice of intended rulemaking containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State on: October 23, 2006.
6. Notice of intended rulemaking and proposed rules in strike and underscore format were provided to the Legislative Service Office and courtesy copies of the notice and proposed rules were provided to the Attorney General and the Governor on: October 23, 2006.

PUBLIC NOTICE OF INTENDED RULEMAKING:

7. Yes x No _____ (If applicable) Notice was mailed 45 days in advance to all persons who make a timely request for advance notice.
8. Yes _____ No x A public hearing was held on the proposed rules on: _____.

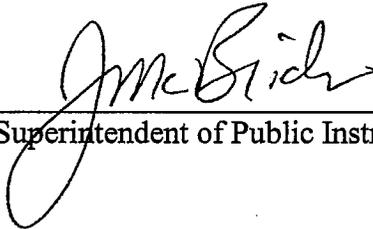
FINAL FILING FOR RULES:

- 9. Yes x No ___ A Disk with an exact copy of the attached rules is attached or the electronic copy was sent via electronic mail to the Secretary of State on January 12, 2007.
- 10. Final rules with original signatures were sent to the Attorney General's office for the Governor's signature on January 11, 2007.
- 11. Final rules were sent to the Legislative Service Office on January 12, 2007.

CERTIFICATION BY AGENCY:

The undersigned certifies that the foregoing information is correct.

Date: January 11, 2007



 State Superintendent of Public Instruction

GOVERNOR'S CERTIFICATION

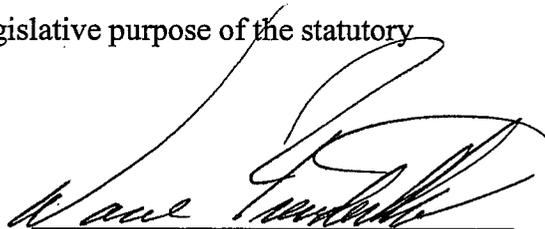
I have reviewed these rules and determined that they:

- (1) are within the scope of the statutory authority delegated to the adopting agency; and
- (2) appear to be within the scope of the legislative purpose of the statutory authority.

Therefore, I approve the same.

2/27/07

 Date Approved



 Governor

STATE OF WYOMING }

Office of the Secretary

Filed the 27th day of February
2007 at 10:40 A.M.

Max Maxfield
Secretary of State

CHAPTER 30

Private School Registration / Licensing for Private Degree Granting Post-Secondary Education Institutions

Section 1. **Authority.**

These rules are promulgated pursuant to Wyo. Stat. §§ 21-2-202(a)(i) and 21-2-401 through 21-2-407.

Section 2. **Purpose.**

The purpose of these rules is to establish a process and procedure for the regulation, operation and registration of private degree granting post secondary education institutions and implement the provisions contained in Wyo. Stat. §§ 21-2-401 through 21-2-407.

Section 3. **Applicability.**

These rules govern the operation of all private degree granting post secondary education institutions which operate or do business in the State or intend to operate and do business in the State. These rules do not apply to those organizations and institutions specifically exempt by law, as contained in Wyo. Stat. § 21-2-406.

Section 4. **Promulgation, Amendment or Repeal of Rules.**

The promulgation, amendment or repeal of rules shall become effective as provided by the Wyoming Administrative Procedure Act (Wyo. Stat. §§ 16-3-101 through 16-3-115).

Section 5. **Definitions.**

(a) "Accredited" means accredited by an accrediting agency recognized by the United States Department of Education.

(b) "Agent" means any person representing a private degree granting post secondary education institution, who solicits business or students in any public school within the State. This includes those individuals employed to solicit resident students by schools or institutions located outside the State which are similar to schools or institutions specified under Wyo. Stat. § 21-2-402.

(c) "Applicant" means any private degree granting post secondary education institution seeking registration by the Department under these rules.

(d) "Attorney General" means the Attorney General of the State of Wyoming.

(e) "Candidate" means a candidate for accreditation or institution otherwise in the application process that has applied for accreditation with an accrediting agency recognized by the United States Department of Education and is being considered for candidacy status for accreditation by that association and is in the process of gathering information and performing activities requested by that association to complete the application process.

(f) "Degree" means any award, earned or honorary, conferred with the designation of associate, baccalaureate, master, professional, specialist or doctorate.

(g) "Department" means the Wyoming Department of Education.

(h) "Private degree granting post secondary education institution" means any institution, all trade, correspondence, distance education, technical, business, or other private schools, offering a degree, earned or honorary, conferred with the designation of associate, baccalaureate, master, professional, specialist or doctorate; may be referred to as "institution" in this document.

(i) "Proof of accreditation" means a statement of affiliation status, a certificate of accreditation, or formal notification from a recognized accreditation agency as accepted by the Department.

(j) "Recognized accreditation agency" means an accrediting agency recognized by the United States Department of Education.

(k) "Registration" means a non-transferable certificate granted and issued by the Wyoming Department of Education to a private degree granting post secondary education institution.

(l) "Superintendent" means the Wyoming State Superintendent of Public Instruction.

Section 6. Registration.

(a) All private degree granting post secondary education institutions shall apply annually to the Department for registration or renewal of registration in accordance with the statutes, rules and regulations and policies of the Department.

(b) The registration granted to a private degree granting post secondary education institution shall be valid for a period of one (1) year, which will be measured from the first day of July preceding the date on which the registration was issued.

(c) Applications and renewals for registration with the Department shall be in the manner and form prescribed by the Department.

(d) By July 1st 2006, any private degree granting post secondary education institution licensed to operate or do business according to Wyo. Stat. § 21-2-401 et seq. prior to July 1st 2006 shall comply with the requirements to register as an accredited institution (*see Section 7*), or a candidate for accreditation (*see Section 8*), as stated within rule, regulation and statute.

(i) The Department may grant extensions or exceptions to the July 1st 2006 deadline when it deems it necessary due to good cause demonstrated by the applicant.

(e) After July 1st 2006, any institution entering the State with the intent of operating and doing business in the State as a private degree granting post secondary education institution shall:

(i) Notify the Department in writing of its intent to become a registered institution. The notice shall include a brief description of the school and the courses that will be offered; and,

(ii) Apply for registration with the Department as an accredited institution (*see Section 7*) or a candidate for accreditation (*see Section 8*) in the appropriate manner within the first three (3) months of enrolling students.

(f) The period of candidacy or otherwise in the application process status shall not exceed five (5) years and shall expire at the end of the five (5) year period or at the time the applicant is refused candidacy or application status or accreditation by the accrediting association, or otherwise loses candidacy or application status, **whichever occurs first**.

(g) The institution shall not operate or conduct business in this State upon expiration of the five (5) years or loss of candidacy or application status for accreditation. Exceptions to this provision may be granted upon a determination by the Department that good cause has been demonstrated by the applicant and an extension or an exception is necessary and appropriate. Good cause does not exist and shall not be recognized by the Department for the following reasons:

(i) Change of ownership, management or instructional staff by the applicant;

(ii) Change of location of the applicant's campus;

(iii) Change of programs of instruction;

(iv) Change of financial status of applicant;

- (v) Change of name of institution; or
- (vi) Change of accrediting agency prior to achieving accreditation;

Section 7. Registration Requirements for Accredited Institutions.

(a) Institutions accredited by an accrediting agency recognized by the United States Department of Education shall submit the following information or documents to the Department for consideration for registration:

- (i) Complete and accurate registration application in the form and manner prescribed by the Department;
- (ii) Official documentation or other verification of accreditation by an accrediting association recognized by the United States Department of Education; and
- (iii) An annual registration fee of one hundred dollars (\$100.00) in the form of a certified check payable to the "Wyoming Department of Education."

Section 8. Registration Requirements for Candidate/Applicant Institutions.

(a) Institutions that are applicants or candidates for accreditation or institutions otherwise in the accreditation process, subject to Section 6 of these Rules, shall submit the following information or documents to the Department for consideration for registration:

- (i) Complete and accurate registration application in the form and manner prescribed by the Department of Education;
- (ii) Official verification or proof of acceptance as a candidate or applicant for accreditation by a recognized accrediting agency;
- (iii) An annual registration fee of one thousand dollars (\$1000.00) in the form of a certified check payable to the "Wyoming Department of Education";
- (iv) A performance bond or other form of security in the amount of ten thousand dollars (\$10,000.00) on a form approved by the Attorney General;
 - (A) The performance bond or other form of security shall be renewed annually as long as the school retains registration and applicant status for accreditation.

(B) The Department is the custodian of all bonds and other securities filed under this Section and may render administrative, but not legal assistance, to all aggrieved persons who may be entitled to relief under the bond.

(C) A finding by the Department that any institution practiced fraud, made any fraudulent representation, or violated any statute, rule or regulation relating to the application for registration or operation of the institution may result in forfeiture of the full amount of the bond and loss of the registration certificate.

(b) For registration by the Department, applicants or candidates for accreditation, in addition to submitting the required application and documentation, shall assist the Department in development of a plan that monitors the progress of the institution towards obtaining accreditation.

(i) The plan shall include a detailed timeline specifying the critical milestones to be undertaken by the institution to obtain accreditation and the time that is necessary to complete each item;

(ii) The document shall be signed by the Department and the institution and serve as a formal agreement between the parties to ensure the milestones will be accomplished in accordance with the terms of the plan to maintain registration under the applicant or candidate status;

(iii) The plan shall include a provision which requires the institution to provide a copy of any and all correspondence or documents, which relate to the accreditation or applicant or candidacy status of the institution, to the Department in a timely manner.

(c) The institution shall submit annual progress reports with the annual renewal registration which outline the progress of the institution towards accomplishing the items identified in the plan. The progress report shall include documentation from the accrediting agency which supports progress towards, or accomplishment of the tasks identified in the plan.

Section 9. Registration of Agents.

(a) Prior to soliciting business or resident students in any public school within the State, an agent shall submit the following documentation and items to the Department for consideration for registration as an agent:

(i) Complete and accurate application for registration as an agent in the form and manner prescribed by the Department of Education;

(ii) An annual registration fee of one hundred dollars (\$100.00) in the form of a certified check payable to the "Wyoming Department of Education";

- (iii) Copies of any documentation intended for distribution;
- (iv) Brief description of market or school targeted and approach for solicitation.

Section 10. Suspension, Revocation, Non-renewal of Registrations / Licenses.

(a) The Department may suspend, revoke or choose not to renew the registration or licensure of any private degree granting institution subject to the requirements of the Wyoming Administrative Procedure Act (Wyo. Stat. §§ 16-3-101 through 16-3-117).

(b) Suspension, revocation and non-renewal proceeding shall be instituted in the following instances:

- (i) Loss of accreditation status;
- (ii) Loss of accreditation candidacy or application status;
- (iii) Failure to maintain the required bond;
- (iv) Violation of any rule, regulation or federal or State statute;
- (v) Other instances when necessary to protect the interests of the State or its citizens.

(c) The institution shall be given ten (10) business days from the date the notice was post-marked to demonstrate compliance with all lawful requirements to retain its license or registration.

(d) The Department shall notify the institution or its agent of the decision to revoke, suspend or not renew a license or registration by certified mail, receipt requested.

(e) The date for purposes of calculating the various timelines related to the notice of suspension, revocation or non-renewal shall be the date as evidenced by the postmark on the notification of suspension, revocation or non-renewal.

(f) The notification of suspension, revocation or non-renewal shall contain the following provisions:

- (i) The facts or conduct which warrant the intended action;
- (ii) The institution will be given ten (10) business days to demonstrate compliance with all lawful requirements for retention of the license or registration;

(iii) The institution has the ability to request a contested case proceeding, within forty-five (45) days of the date postmarked on the notice, to appeal the Department's decision to revoke, suspend or not renew the institution's license or registration in accordance with the provisions of the Wyoming Administrative Procedure Act (Wyo. Stat. § 16-3-101 et seq).

Section 11. **Appeal Procedures.**

(a) The institution has forty-five (45) calendar days from the post-marked date on the notice to request a contested case hearing regarding the license or registration revocation, suspension or non-renewal. Any requests made after the forty-five (45) day period will not be granted unless "good cause" had been demonstrated.

(b) Contested case proceedings shall be conducted in accordance with the Department's rules and regulations and the Wyoming Administrative Procedure Act (Wyo. Stat. § 16-3-101 et seq.).

(c) License suspension, revocation or non-renewal shall become effective upon expiration of the forty-five (45) day period or conclusion of a contested case proceeding if the Department finds the suspension, revocation or non-renewal is warranted by the substantial weight of the evidence.

Section 12. **Penalties and Prohibitions.**

(a) Any person violating the provisions of Wyo. Stat. § 21-2-401 et seq. is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment in the county jail not to exceed six (6) months, or both.

(b) Each solicitation of enrollment or each transaction of business without a license, registration certificate or without providing notification to the Department constitutes a separate offense.

(c) Any person violating the provisions of the applicable statutes and rules and regulations may also be enjoined from the continuation of the violation by proceedings brought by the Attorney General, any district attorney, any school official or any aggrieved citizen, regardless of whether criminal proceedings have been instituted.

(d) No private degree granting post secondary education institution shall file an application for registration, nor shall any registration be granted to any institution, where the institution has any past or present common ownership, management, marketing or other operation of any kind with an institution whose license or registration has been suspended, revoked or not renewed under these rules.

(e) No official or employee of the Department, any college or university within the State or any school district within the State shall permit the school or

institution, or proprietor or agent thereof, to solicit business in any public school within the State and/or provide any list of students or other list of prospects to the school, institution or proprietor or agent thereof unless the school or institution, or proprietor or its agent is currently licensed, registered or has provided notification as required under these rules and regulations

(f) No school or institution licensed, registered or providing notification in accordance with these rules shall claim or advertise to prospective or enrolled students that it is accredited in the United States unless the named accrediting association, commission or other entity is approved by the United States Department of Education and the institution is registered by the Department in accordance with rule, regulation and statute.

Section 13. Exemptions.

(a) The following schools and institutions are exempt according to statute from the above requirements and registration with the Department is not necessary:

(i) Any parochial, church or religious school as defined by Wyo. Stat. § 21-4-101(a)(iv) which is maintained by a church, religious denomination or religious organization comprised of multi-denominational members of the same recognized religion, lawfully operating the school or institution pursuant to applicable laws governing its organization *and* the school or institution offers elementary and secondary education programs only.

(ii) A home-based educational program as defined by Wyo. Stat. § 21-4-101(a)(v);

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

(iv) A non-degree granting school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the State of Wyoming.