

**MINUTES**  
**State Board of Education Special Meeting**  
**January 9, 2006**  
**Conference Call**

State Board members present: Duane Edmonds, Ruby Calvert, Melvin Baldwin, Bill Anthony, Jan Torres, Michelle Sullivan, Jeff Marsh, Larry McGarvin, Jim Lowham

State Board members absent: Dana Mann-Tavegia, Sandra Barton

Also present: Mary Kay Hill, Wyoming Department of Education (WDE); Jennifer Duncan, WDE; Jim McBride, WDE; Annette Bohling, WDE; Matthew Willmarth, WDE; Bradley Hunsicker, WDE; Fred Hansen, WDE; Jennifer Stone, Attorney General's Office (AG); Dan Wilde, AG; Ken Nelson, AG; Sanjay Benvisi, EC Council; Tom Ries, EC Council; Phil Nicholas, Attorney for EC Council; Mitch Edwards, Attorney for EC Council

Members of the Press and Public Present: Alan Speer, KFBC; Kathy Scheurman, Wyoming Education Association; Reny McKay, Wyoming Public Radio; Mead Gruver, Associated Press, Wyoming Tribune Eagle

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**CALL TO ORDER**

Chairman Duane Edmonds called the meeting to order at 1:10 p.m. via conference call.

Jennifer Duncan conducted roll call, and it was established that a quorum was present.

**REVIEW APPLICATION FOR EC COUNCIL FOR CONSIDERATION OF ISSUANCE OF PRIVATE SCHOOL LICENSING**

Chairman Edmonds outlined the specific schedule for the agenda for the afternoon, establishing time guidelines for each presentation.

JIM LOWHAM MOVED THAT THE BOARD REQUEST A LEGAL OPINION BY THE ATTORNEY GENERAL REGARDING CHAPTER 30, SECTION 9, REGARDING PRIVATE SCHOOL LICENSING OF POST SECONDARY DEGREE GRANTING INSTITUTIONS AND WYOMING STATUTE 22-2-401 PARTS C AND D TO CLARIFY THE LICENSING PROCEDURE.

JAN TORRES SECONDED THE MOTION.

Ken Nelson notified the board that in a case of conflict between statutes and rules that statutes control.

Phil Nicholas questioned whether Jim Lowham was questioning authority to grant license. Jim Lowham clarified that he was questioning the specific language in Section 9 of Chapter 30. Does the Department make the determination for licensure and when is the license issued?

Ruby Calvert noted that there is no need to delay since the Board has received all of the information necessary to determine whether a license will be granted. Mel Baldwin agreed with Ruby.

Ken Nelson informed the Board that they are the licensing authority for issuing licenses for private schools.

THE MOTION FAILED DUE TO LACK OF THE MAJORITY OF THE BOARD (6) VOTING IN FAVOR OF THE MOTION. 5 NO VOTES AND 2 YES VOTES.

EC Council reviewed, through their attorney Phil Nicholas, their application process over the last several months and asserted that they were statutorily in compliance and that the Board statutorily needed to grant the license based on that.

The Board was then allowed to ask questions of EC Council regarding their presentation.

Jennifer Stone, AG, made the presentation on behalf of the WDE. She indicated that the EC Council website is confusing as to the information it is providing to potential students. There was also confusion about whether an individual was working in the Laramie office, as is required by statute. EC Council, through their attorney, asserted that they were confused about whether they should be providing student activity and having an individual working in the Laramie office prior to being issued their license.

Concern was expressed by several board members over ambiguities in the statutes. While the application was complete, there are ambiguities in the statutes that are confusing.

JEFF MARSH MOVED THAT THE BOARD NOT GRANT EC COUNCIL A LICENSE TO OPERATE AS A POST SECONDARY DEGREE GRANTING INSTITUTION.

MELVIN BALDWIN SECONDED THE MOTION.

THE MOTION FAILED DUE TO LACK OF A MAJORITY OF THE BOARD VOTE (6).

BILL ANTHONY MOVED FOR THE BOARD TO MOVE INTO EXECUTIVE SESSION TO RECEIVE LEGAL COUNSEL FROM THEIR ATTORNEY.

JEFF MARSH SECONDED THE MOTION.  
MOTION CARRIED UNANIMOUSLY PER ROLL CALL VOTE.

**\*\*ADJOURN INTO EXECUTIVE SESSION\*\***

The Board reconvened into regular session at 3:05 p.m.

Chairman Edmonds asked Sanjay Benvisi if they would have a full time person in the Laramie office as well as making adjustments to the website if the license were granted. Sanjay responded that he would definitely comply with those requests and would even delay picking up the license if no one was hired by the time it was issued.

JEFF MARSH MOVED THAT IF EC COUNCIL IS WILLING TO MEET THE CRITERIA SET FORTH BY THE BOARD THE BOARD APPROVE THE APPLICATION AS SUBMITTED.

Ruby Calvert clarified that the Board should issue a license to EC Council university based on the requests being made per verbal agreement.

MICHELLE SULLIVAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

## **ADJOURNMENT**

Chairman Edmonds adjourned the meeting at 3:12 p.m.