

SENATE FILE NO. SF0085

Hathaway scholarship program.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; providing for scholarships
 2 for attendance at Wyoming community colleges and the
 3 University of Wyoming as specified; specifying eligibility
 4 criteria, conditions and limitations; imposing duties on
 5 the Wyoming department of education, the University of
 6 Wyoming, Wyoming community colleges, the community college
 7 commission, school districts and the state treasurer;
 8 delegating rulemaking authority; defining terms; imposing
 9 reporting requirements; modifying other tuition programs;
 10 providing for a continuous appropriation; and providing for
 11 an effective date.

12

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

14

15 **Section 1.** W.S. 21-16-1301 through 21-16-1310 are
 16 created to read:

17

1

ARTICLE 13

2

HATHAWAY SCHOLARSHIP PROGRAM

3

4

21-16-1301. Definitions.

5

6

(a) As used in this article:

7

8

(i) "Academic term" means the fall semester or term or the spring semester or term. In this article, "term" and "semester" have the same meaning except that recipients may elect to use the scholarship during summer school, which counts toward the maximum number of terms for which the student is eligible but does not count toward computation of an academic year;

15

16

(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work;

20

21

(iii) "ACT score" means a composite score on the American College Test or an equivalent score on the Scholastic Aptitude Test;

24

1 (iv) "Certificate" means a credential other than
2 a degree as defined in paragraph (vi) of this subsection. A
3 "certificate" is either an associate of applied science
4 degree or indicates satisfactory completion of training in
5 an academic year program of study offered by a Wyoming
6 community college;

7
8 (v) "Cost of attendance" means the sum cost of
9 tuition, mandatory fees, room and board, books and
10 supplies, travel and personal expenses to attend an
11 eligible institution as determined annually by the
12 institution in accordance with W.S. 21-16-1306(b);

13
14 (vi) "Degree" means a baccalaureate or an
15 associate degree other than a certificate;

16
17 (vii) "Department" means the Wyoming department
18 of education;

19
20 (viii) "Eligible high school" means a public or
21 private secondary school that is located in Wyoming and is
22 accredited or licensed by the department or is exempt from
23 licensure pursuant to W.S. 21-2-406(a)(i);

24

1 (ix) "Eligible institution" means the University
2 of Wyoming or a Wyoming community college;

3

4 (x) "Equivalent of a full-time semester" means
5 twelve (12) semester hours in a semester;

6

7 (xi) "Expenditure account" means the Hathaway
8 scholarship expenditure account established under W.S.
9 21-16-1302;

10

11 (xii) "Grade point average" or "GPA" means the
12 numbered grade average calculated using a 4.0 scale;

13

14 (xiii) "Graduate of an out-of-state high school"
15 means a person attending and graduating from an out-of-
16 state high school pursuant to W.S. 21-4-501;

17

18 (xiv) "Satisfactory academic progress" means
19 completing at least six (6) semester hours per semester if
20 enrolled for less than twelve (12) semester hours and
21 completing at least twelve (12) semester hours per semester
22 if enrolled for twelve (12) or more semester hours, and
23 meeting such other criteria as established by the eligible
24 institution to ensure the student earns his degree or

1 certificate in a timely manner. The student's hours of
2 enrollment for purposes of this paragraph shall be the same
3 number of hours of enrollment used to determine the state's
4 obligation to reimburse the eligible institution for the
5 student's scholarship under this article;

6

7 (xv) "Scholarship" means an award provided
8 pursuant to W.S. 21-16-1304, 21-16-1305 or 21-16-1306;

9

10 (xvi) "Semester hour" means each nonremedial
11 semester hour attempted for credit toward a degree or
12 certificate, excluding any semester hour attempted before
13 earning a high school diploma or a general educational
14 development (GED) equivalency diploma;

15

16 (xvii) "Title IV" means Title IV of the federal
17 Higher Education Act of 1965, as amended;

18

19 (xviii) "Unmet financial need" means the cost of
20 attendance minus the sum of expected family contribution
21 and all federal, state, local, institutional and privately
22 funded scholarships or grants received by the student, all
23 as determined by the eligible institution. The institution
24 shall use the most recent federal free application for

1 federal student aid form to determine expected family
2 contribution and shall do so annually in accordance with
3 W.S. 21-16-1306(b);

4
5 (xix) "WORKKEYS SCORE" means qualifying scores
6 on the WORKKEYS job skills assessment test. In the event
7 the WORKKEYS job skills assessment test is superseded,
8 becomes too expensive to administer or goes out of general
9 use, the department shall specify by rule and regulation a
10 replacement test to be used.

11
12 **21-16-1302. Hathaway scholarship expenditure account**
13 **created; reserve account created; use and appropriation of**
14 **funds.**

15
16 (a) The Hathaway scholarship expenditure account is
17 created to consist of earnings from the Hathaway student
18 scholarship endowment account created by W.S. 21-16-1201
19 and such other funds appropriated by the legislature to the
20 expenditure account. Eighty percent (80%) of all monies
21 deposited to the expenditure account under this section
22 shall be available for scholarships under W.S. 21-16-1304
23 and 21-16-1305. Twenty percent (20%) of all monies
24 deposited to the expenditure account under this section

1 shall be available for scholarships under W.S. 21-16-1306.
2 Monies within the expenditure account are continuously
3 appropriated to the state treasurer for distribution to
4 eligible institutions based on scholarships awarded under
5 this article. All unexpended and unencumbered monies
6 within the expenditure account at the end of each fiscal
7 year shall be deposited by the state treasurer to the
8 Hathaway student scholarship reserve account.

9
10 (b) There is created the Hathaway student scholarship
11 reserve account. The reserve account shall consist of
12 those monies deposited to the account pursuant to
13 subsection (a) of this section and such other funds
14 appropriated by the legislature to the reserve account. To
15 the extent funds within the Hathaway scholarship
16 expenditure account are insufficient in any fiscal year to
17 fully fund scholarships awarded under this article, monies
18 within the reserve account shall be deposited by the state
19 treasurer to the expenditure account for distribution to
20 eligible institutions to fund those scholarships. As soon
21 as possible after the end of each of the fiscal years
22 beginning on and after July 1, 2007, the state treasurer
23 shall transfer monies from this reserve account to the
24 Hathaway student scholarship endowment account to the

1 extent monies within the reserve account are in excess of
2 the greater of twelve million dollars (\$12,000,000.00) or
3 an amount equal to three and seventy-five hundredths
4 percent (3.75%) of the previous five (5) year average
5 market value of the Hathaway student scholarship endowment
6 account, calculated from the first day of the fiscal year.

7

8 **21-16-1303. Hathaway scholarship program; eligibility**
9 **requirements.**

10

11 (a) There is created the Hathaway scholarship program
12 for Wyoming students.

13

14 (b) Under the Hathaway scholarship program, subject
15 to availability of funds as determined by the legislature,
16 the state shall provide a scholarship pursuant to W.S.
17 21-16-1304 and 21-16-1305 to any student who has been
18 accepted by and enrolls in an eligible institution to
19 pursue a degree or certificate, and who meets the following
20 qualifications:

21

22 (i) The student has demonstrated Wyoming
23 residency as determined by the eligible institution at
24 which the student is enrolled;

1

2 (ii) The student has successfully completed a
3 curriculum and meets standards for admission to the
4 eligible institution. Until success curricula requirements
5 are established pursuant to W.S. 21-16-1307, the curriculum
6 requirement of this paragraph for Hathaway scholarship
7 recipients shall be that required for high school
8 graduation under W.S. 21-2-304(a)(iii). For first-time
9 students who enroll in an eligible institution in the fall
10 of 2011, and thereafter, curriculum requirements for a
11 scholarship under this article shall be as established
12 pursuant to W.S. 21-16-1307; and

13

14 (iii) The student has:

15

16 (A) Graduated from an eligible high school
17 or is otherwise eligible under rules promulgated pursuant
18 to W.S. 21-16-1308(b)(iii) and (iv);

19

20 (B) Applied for a scholarship under this
21 article within two (2) years of the date of high school
22 graduation, or is otherwise eligible under rules
23 promulgated pursuant to W.S. 21-16-1308(b)(iii) and (iv).

24 The department shall by rule and regulation establish

1 exceptions to the requirement of subparagraph (A) of this
2 paragraph and of this subparagraph for military service,
3 religious service and other good cause shown; and

4

5 (C) The minimum high school cumulative
6 grade point average and minimum composite ACT or cumulative
7 WORKKEYS score specified under this article for the type of
8 scholarship to be awarded.

9

10 (c) Notwithstanding W.S. 21-16-1301(a)(viii),
11 students who are Wyoming residents and graduates of an out-
12 of-state high school shall be deemed to have graduated from
13 an eligible high school for the purpose of qualifying under
14 this article. Notwithstanding W.S. 21-16-1301(a)(viii) or
15 paragraph (b)(i) of this section, a student whose custodial
16 parent or guardian is in active military service and
17 maintains Wyoming as that parent's or guardian's state of
18 domicile is deemed to be a Wyoming resident and if a high
19 school graduate of a high school outside of Wyoming
20 accredited by the appropriate regional accrediting agency
21 shall be deemed to have graduated from an eligible high
22 school for the purpose of qualifying under this article.

23

1 (d) No student shall be eligible for a scholarship
2 under this article for more than the equivalent of eight
3 (8) full-time semesters. No student shall be eligible for
4 a scholarship under this article for any semesters
5 commencing after six (6) academic years following the
6 student's initial eligibility. For purposes of this
7 subsection a student's initial eligibility shall be deemed
8 to commence with the first semester in which the state is
9 obligated to reimburse an eligible institution for the
10 student's scholarship under this article. The department
11 shall by rule and regulation establish exceptions to this
12 subsection for military service, religious service and
13 other good cause shown.

14

15 (e) A student is not eligible for a scholarship under
16 this article if he:

17

18 (i) Is not a United States citizen or a permanent
19 resident alien who meets the definition of an eligible
20 noncitizen under federal Title IV requirements or
21 requirements of a subsequent similar federal enactment;

22

1 (ii) Has not complied with United States
2 selective service system requirements for registration, if
3 the requirements are applicable to the student;

4

5 (iii) Is in default on a federal Title IV
6 education loan. Nothing in this paragraph prohibits a
7 student who is otherwise eligible for a scholarship under
8 this article and has fully repaid a defaulted loan or is no
9 longer in default, from receiving a scholarship for future
10 academic semesters;

11

12 (iv) Owes a refund under a federal Title IV
13 student financial aid program or a subsequently enacted
14 similar federal student financial aid program, or a student
15 financial aid program administered through the state.
16 Nothing in this paragraph prohibits a student who is
17 otherwise eligible for a scholarship under this article and
18 has fully paid the refund owed, from receiving a
19 scholarship for future academic semesters;

20

21 (v) Is incarcerated; or

22

23 (vi) Does not otherwise qualify under this
24 article for a scholarship.

1

2 **21-16-1304. Hathaway opportunity, performance and**
3 **honor scholarships.**

4

5 (a) Any student who meets the criteria under W.S.
6 21-16-1303 is eligible to receive a scholarship to pursue a
7 degree or certificate as follows:

8

9 (i) With a minimum cumulative high school GPA of
10 2.50 and a composite ACT score of at least nineteen (19), a
11 Hathaway opportunity scholarship for:

12

13 (A) Eight hundred dollars (\$800.00) per
14 semester at an eligible institution if enrolled for twelve
15 (12) or more semester hours;

16

17 (B) The amount provided under subparagraph
18 (A) of this paragraph times a fraction, the numerator of
19 which is the number of hours for which the student is
20 enrolled and the denominator is twelve (12), if enrolled at
21 an eligible institution for at least six (6) and less than
22 twelve (12) semester hours.

23

1 (ii) With a minimum cumulative high school GPA of
2 3.0 and a composite ACT score of at least twenty-one (21),
3 a Hathaway performance scholarship for:

4
5 (A) One thousand two hundred dollars
6 (\$1,200.00) per semester at an eligible institution if
7 enrolled for twelve (12) or more semester hours;

8
9 (B) The amount provided under subparagraph
10 (A) of this paragraph times a fraction, the numerator of
11 which is the number of hours for which the student is
12 enrolled and the denominator is twelve (12), if enrolled at
13 an eligible institution for at least six (6) and less than
14 twelve (12) semester hours.

15
16 (iii) With a minimum cumulative high school GPA
17 of 3.5 and a composite ACT score of at least twenty-five
18 (25), a Hathaway honor scholarship for:

19
20 (A) One thousand six hundred dollars
21 (\$1,600.00) per semester at an eligible institution if
22 enrolled for twelve (12) or more semester hours;

23

1 (B) The amount provided under subparagraph
2 (A) of this paragraph times a fraction, the numerator of
3 which is the number of hours for which the student is
4 enrolled and the denominator is twelve (12), if enrolled at
5 an eligible institution for at least six (6) and less than
6 twelve (12) semester hours.

7

8 (b) Scholarships under this section shall be for a
9 maximum of the equivalent of eight (8) full-time semesters.

10 A scholarship under this section shall be available for
11 attendance at a Wyoming community college for not more than
12 a maximum of the equivalent of four (4) full-time
13 semesters.

14

15 (c) To remain eligible for the scholarship under this
16 section, the student shall:

17

18 (i) Make satisfactory academic progress toward a
19 degree. If a student fails to make satisfactory academic
20 progress or maintain the cumulative grade point average
21 required for continuation in the program as provided in
22 this subsection, the student shall become ineligible for
23 the scholarship in subsequent semesters unless granted an
24 exception for cause by the department or except as

1 otherwise provided in this subsection. The department may
2 delegate to any eligible institution the department's
3 authority to grant an exception for cause, but shall only
4 do so in accordance with department rules establishing
5 procedures and criteria for granting an exception and any
6 eligible institution acting pursuant to such delegation
7 shall grant exceptions only in accordance with those rules.
8 The scholarship under this article which is lost for
9 failing to maintain the requisite grade point average shall
10 be reinstated for the subsequent semester following
11 attainment of the cumulative grade point average required
12 of the applicable scholarship under paragraph (iii) of this
13 subsection, provided that the student is otherwise eligible
14 and neither the applicable maximum number of full-time
15 equivalent semesters nor the maximum scholarship
16 eligibility time period specified under subsection (b) of
17 this section and W.S. 21-16-1303(d), including semesters
18 for which a scholarship was not received, has been reached;

19

20 (ii) Maintain continuous enrollment for not less
21 than two (2) semesters in each successive academic year.
22 The department shall by rule and regulation establish
23 exceptions to the requirement of this paragraph for

1 military service, religious service and other good cause
2 shown; and

3

4 (iii) Maintain a cumulative grade point average
5 as evaluated at the end of each spring academic term as
6 follows:

7

8 (A) For Hathaway opportunity scholarships,
9 at least a 2.25 GPA;

10

11 (B) For Hathaway performance scholarships
12 and Hathaway honor scholarships, at least a 2.50 GPA.

13

14 (d) A student receiving a Hathaway honor scholarship
15 or a Hathaway performance scholarship who fails to meet the
16 GPA requirements of subsection (c) of this section
17 necessary to maintain that scholarship may be awarded a
18 Hathaway opportunity scholarship for attendance at an
19 appropriate eligible institution if he meets the
20 requirements necessary to maintain that scholarship.

21

22 (e) The cumulative grade point average required under
23 this section to maintain a scholarship shall be the
24 student's grade point average achieved at all eligible

1 institutions after the student's initial eligibility as
2 determined under W.S. 21-16-1303(d).

3

4 **21-16-1305. Hathaway career scholarships.**

5

6 (a) Any student who meets the criteria under W.S.
7 21-16-1303 is eligible to receive a Hathaway career
8 scholarship to pursue a certificate as follows:

9

10 (i) With a minimum cumulative high school GPA of
11 2.50 and either a composite ACT score of at least seventeen
12 (17) or a cumulative score of at least twelve (12) points
13 on applied math, reading for information and locating
14 information on WORKKEYS tests, a scholarship for:

15

16 (A) Eight hundred dollars (\$800.00) per
17 semester at a Wyoming community college if enrolled for
18 twelve (12) or more semester hours;

19

20 (B) The amount provided under subparagraph
21 (A) of this paragraph times a fraction, the numerator of
22 which is the number of hours for which the student is
23 enrolled and the denominator is twelve (12), if enrolled at

1 a Wyoming community college for at least six (6) and less
2 than twelve (12) semester hours.

3

4 (ii) Scholarships under paragraph (i) of this
5 subsection shall be for a maximum of the equivalent of four
6 (4) full-time semesters;

7

8 (iii) A student who receives a scholarship under
9 paragraph (i) of this subsection and who earns a
10 certificate from the community college with a minimum
11 cumulative GPA of 2.25 may receive an additional
12 scholarship at a Wyoming community college to pursue either
13 a certificate or a degree if the student maintains a
14 minimum cumulative GPA of 2.25 and otherwise remains
15 eligible for a scholarship under this article. The
16 scholarship under this paragraph shall be for the same
17 amounts and subject to the same limitations as provided for
18 scholarships under paragraph (a)(i) of this section, except
19 that the student may pursue either an additional
20 certificate or a degree.

21

22 (b) To remain eligible for the scholarship award
23 under this section, the student shall:

24

1 (i) Make satisfactory academic progress toward a
2 certificate or degree. If a student fails to make
3 satisfactory academic progress or maintain the cumulative
4 grade point average required for continuation in the
5 program provided in paragraph (iii) of this subsection, the
6 student shall become ineligible for the scholarship in
7 subsequent semesters unless granted an exception for cause
8 by the department or except as otherwise provided in this
9 subsection. The department may delegate to any eligible
10 institution the department's authority to grant an
11 exception for cause, but shall only do so in accordance
12 with department rules establishing procedures and criteria
13 for granting an exception and any eligible institution
14 acting pursuant to such delegation shall grant exceptions
15 only in accordance with those rules. The scholarship under
16 this article which is lost for failing to maintain the
17 requisite grade point average shall be reinstated for the
18 subsequent semester following attainment of the cumulative
19 grade point average required under paragraph (iii) of this
20 subsection provided that the student is otherwise eligible
21 and that neither the maximum number of full-time equivalent
22 semesters nor the maximum scholarship eligibility time
23 period specified under subsection (a) of this section and

1 W.S. 21-16-1303(d), including semesters for which a
2 scholarship was not received, has not been reached;

3

4 (ii) Maintain continuous enrollment for not less
5 than two (2) semesters in each successive academic year.
6 The department shall by rule and regulation establish
7 exceptions to the requirement of this paragraph for
8 military service, religious service and other good cause
9 shown; and

10

11 (iii) Maintain a cumulative grade point average
12 of at least 2.25 GPA, as evaluated at the end of each
13 spring academic term for certificates or degrees that
14 require more than one (1) academic year.

15

16 (c) The cumulative grade point average required under
17 this section to maintain a scholarship shall be the
18 student's grade point average achieved at all eligible
19 institutions after the student's initial eligibility as
20 determined under W.S. 21-16-1303(d).

21

22 **21-16-1306. Need based scholarships.**

23

1 (a) In addition to scholarships made available under
2 W.S. 21-16-1304 and 21-16-1305 there shall be made
3 available a need based Hathaway scholarship as follows:

4
5 (i) The scholarship shall be available only to
6 students qualifying for a scholarship under W.S. 21-16-1304
7 or 21-16-1305 and for federal financial aid. The
8 scholarships under this section shall be computed and
9 awarded as follows:

10

11 (A) If the student has annual unmet
12 financial need of two thousand dollars (\$2,000.00) or less
13 - no award;

14

15 (B) If the student has annual unmet
16 financial need greater than two thousand dollars
17 (\$2,000.00):

18

19 (I) If the student is eligible for a
20 Hathaway honor scholarship - an award under this section in
21 an amount equal to the annual unmet financial need
22 exceeding two thousand dollars (\$2,000.00). A scholarship
23 under this subdivision shall continue as long as the
24 student remains eligible for a Hathaway honor scholarship;

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(II) If a student is eligible for a scholarship under this article but does not qualify under subdivision (I) of this subparagraph - an award equal to twenty-five percent (25%) of the annual unmet financial need in excess of two thousand dollars (\$2,000.00), but not to exceed one thousand five hundred dollars (\$1,500.00) per year.

(C) A student qualifying for any award under this section shall receive a minimum amount of one hundred dollars (\$100.00) for each semester of qualification. One-half (1/2) of the annual award amount under this section shall be provided to the student at each semester of qualification.

(b) The department shall provide scholarships under this section from funds made available under W.S. 21-16-1302 and the state treasurer shall reimburse eligible institutions accordingly under W.S. 21-16-1308. All requirements for scholarship recipients applicable under this article shall be applicable to scholarships under this section. The department, in consultation with each eligible institution, shall by rule designate a date for

1 each academic year upon which each eligible institution
2 shall make the final computation for unmet need for
3 students receiving a scholarship under this section,
4 consistent with each institution's schedule for determining
5 actual cost of attendance for students at that institution.

6

7 **21-16-1307. Success curriculum; test standards.**

8

9 (a) Not later than October 1, 2006, the department
10 shall recommend to the governor and the joint education
11 interim committee of the legislature, in consultation with
12 school districts, the University of Wyoming, each Wyoming
13 community college and the Wyoming community college
14 commission:

15

16 (i) The contents of an appropriate success
17 curriculum for Hathaway opportunity, performance and honor
18 scholarship students and, in consultation with each
19 community college and the commission, the contents of an
20 appropriate success curriculum for Hathaway career
21 scholarship students. The success curricula shall, upon
22 approval of the legislature, enable students entering high
23 school in the fall of 2007 to pursue those curricula for
24 scholarship eligibility under this article beginning with

1 the fall of 2011. The success curricula shall include at
2 least four (4) years each of mathematics, science, and
3 reading/language arts, three (3) years of social studies
4 and a study of a foreign language in grades 9 through 12.
5 The department shall by rule and regulation establish
6 exceptions to the success curricula for students attending
7 or graduating from an eligible high school not qualifying
8 as a prototypical high school under Wyoming law;

9

10 (ii) Components of the success curricula to be
11 included in the criteria for eligibility for scholarships
12 during each year of the phase-in of the Hathaway
13 scholarship program prior to complete implementation in the
14 fall of 2011;

15

16 (iii) The adoption of statewide student
17 assessment standards and scores administered pursuant to
18 W.S. 21-2-304(a) to augment qualifying ACT or WORKKEYS
19 scores for scholarships under this article. The
20 recommended adoption of statewide assessment standards and
21 scores shall be designed to provide incentives for students
22 to pursue a rigorous curriculum and strive to achieve
23 academic success in high school.

24

1 (b) Not later than October 1, 2007, and by October 1
2 in each odd-numbered year thereafter, the department, in
3 consultation with the University of Wyoming, Wyoming
4 community colleges and the community college commission,
5 shall report to the governor and the joint education
6 interim committee of the legislature on recommendations for
7 modifications to the minimum cumulative GPA and minimum
8 composite ACT or cumulative WORKKEYS scores contained in
9 this article to ensure that the Hathaway scholarship
10 program is designed to provide the desired incentives for
11 students to pursue a rigorous curriculum and strive to
12 achieve academic success. The cumulative GPA requirements
13 for performance under the success curricula shall not be
14 restricted to those courses comprising the success
15 curricula, but shall be applied comprehensively to all
16 courses included within each scholarship student's high
17 school curricula.

18

19 **21-16-1308. Administration; rules and regulations.**

20

21 (a) This article shall be administered by the
22 department in accordance with the following:

23

1 (i) Students shall make application for
2 scholarships under this article with the eligible
3 institution at the time of applying for admission or in any
4 event prior to the beginning of the semester at the
5 eligible institution. The application shall contain
6 information as required by rule of the department;

7

8 (ii) Upon request of a student applying to an
9 eligible institution and initially applying for a Hathaway
10 scholarship, each school district shall provide to the
11 eligible institution an official transcript of the
12 student's academic record through the student's most recent
13 semester of attendance. Following graduation and upon the
14 student's request the school district shall also provide to
15 the eligible institution an official transcript of the
16 student's complete academic record;

17

18 (iii) For students transferring from an eligible
19 institution to another eligible institution and making
20 application for continuance of a scholarship, the
21 institution from which the student is transferring shall at
22 the student's request provide an official transcript to the
23 new institution and shall provide a list of all semesters
24 of attendance in which a Hathaway scholarship was received

1 by the student and, if applicable, a list of all semesters
2 for which a student previously qualifying for a Hathaway
3 scholarship was determined ineligible for the Hathaway
4 scholarship;

5

6 (iv) Each eligible institution receiving an
7 application from a student applying for a Hathaway
8 scholarship shall preliminarily determine the student's
9 eligibility for the scholarship. For students initially
10 applying for a scholarship, unless the student's complete
11 academic record is available, the GPA used to preliminarily
12 determine eligibility shall be based upon the student's
13 official high school transcript after either the end of the
14 first semester of a student's senior year or the second
15 semester of a student's junior year, at the sole discretion
16 of the eligible institution. For students graduating prior
17 to their senior year the GPA used to preliminarily
18 determine eligibility shall be based upon the student's
19 official high school transcript as of the end of the
20 semester immediately prior to the last semester before the
21 student's graduation. High school GPAs for final
22 eligibility determinations for students initially applying
23 for a scholarship under this article shall be based upon
24 the student's complete high school academic record. Upon

1 final determination of scholarship eligibility, each
2 community college shall certify to the community college
3 commission not later than thirty (30) days after the
4 semester commences, a list of students enrolled at the
5 institution who qualify for a scholarship under this
6 article, including the amount of each scholarship. The
7 university shall certify to the department within forty-
8 five (45) days after the semester commences a like list for
9 students enrolled at the university. The director of the
10 community college commission shall verify within ten (10)
11 days after receiving all lists from community colleges that
12 there is no duplication of students on the community
13 college lists, shall provide the lists to the department
14 and shall certify to the department the amount each college
15 is to receive under this article;

16

17 (v) The department shall determine and certify
18 to the state treasurer the amount which is equal to
19 seventy-five percent (75%) of the total amount the eligible
20 institution received during the preceding semester under
21 this subsection. Not later than September 1 for the fall
22 semester and not later than January 15 for the spring
23 semester, the state treasurer shall pay from the
24 scholarship expenditure account the amount certified by the

1 department. The department shall review the lists provided
2 under paragraph (iv) of this subsection, determine there is
3 no duplication of students, and determine and certify to
4 the state treasurer the balance of the amount due under
5 this article to each institution for the semester. The
6 state treasurer shall pay from the scholarship expenditure
7 account the balance of the amount due. Payments of the
8 balance due under this paragraph shall be made not later
9 than seventy-five (75) days after the institution's
10 semester has commenced. Payments to the university shall
11 be made directly to the university. Payments to the
12 community colleges shall be made directly to each college
13 and be reported by the state treasurer to the community
14 college commission. Should a prepayment under this
15 paragraph exceed the amount actually due the institution
16 for any semester, the excess amount shall be calculated by
17 the department and deducted from the next payment made.
18 For purposes of this subsection, payments due for summer
19 terms shall be included within the calculations and
20 payments for the subsequent fall semester.

21

22 (b) The department shall, in consultation with
23 University of Wyoming and community college admissions
24 officers and financial aid officers and school districts,

1 promulgate rules and regulations necessary to implement
2 this article, including:

3

4 (i) A means for informing all students and their
5 parents or guardians of the availability of the
6 scholarships under this article in sufficient time to
7 enable the student to plan for and complete the success
8 curriculum. The means shall at a minimum include:

9

10 (A) A requirement that each written
11 communication from a school district to a parent or
12 guardian of a student include on any envelope used, or on
13 the communication if no separate envelope is used, a
14 statement that the state of Wyoming provides Hathaway merit
15 and need scholarships to Wyoming students attending the
16 University of Wyoming and Wyoming community colleges and
17 that every Wyoming student who meets the merit requirements
18 can earn a Hathaway merit scholarship;

19

20 (B) A summary of available Hathaway
21 scholarships and requirements to earn a scholarship. The
22 summary shall be made available on the department's website
23 on the Internet, the World Wide Web or similar proprietary
24 or common carrier electronic system;

1

2 (C) Provision for each school district to
3 provide a one (1) week unit of instruction in the eighth
4 grade regarding preparation for post-secondary work,
5 including an overview of a curriculum needed to be
6 successful in post-secondary education, standardized test
7 requirements, scholarships available for post-secondary
8 education and earning differences anticipated at various
9 post-secondary education levels. The unit of instruction
10 provided under this subparagraph shall be developed by the
11 department in consultation with school districts and shall
12 be delivered to school districts. The department in
13 consultation with the school districts shall develop a
14 program of a curriculum needed to be successful in post-
15 secondary education, standardized test requirements,
16 scholarships available for post-secondary education and
17 earning differences anticipated at various post-secondary
18 education levels.

19

20 (ii) Applications, forms, financial and program
21 audit procedures, eligibility and other matters related to
22 efficient operation;

23

1 (iii) Criteria and procedures under which
2 students in a home-based educational program can qualify
3 for scholarships under this article. A student in a home-
4 based educational program:

5

6 (A) Shall make application for an initial
7 scholarship before his twenty-first birthday;

8

9 (B) Shall meet the initial eligibility
10 requirements of this article other than attendance and
11 graduation from an eligible high school and corresponding
12 GPA requirements;

13

14 (C) Who is otherwise eligible and who
15 achieves the requisite composite ACT or cumulative WORKKEYS
16 score shall be eligible for the scholarships provided under
17 this article at the same level and to the same extent as
18 students graduating from eligible high schools.

19

20 (iv) Criteria and procedures under which
21 students who receive a general educational development
22 (GED) equivalency diploma can qualify for scholarships
23 under this article. A student receiving a GED shall:

24

1 (A) Receive the GED and make application
2 for the initial scholarship no later than two (2) years
3 after and no sooner than the graduation date of the
4 student's high school class, unless ordered by a court to
5 complete the requirements for a GED prior to that
6 graduation date or for other good cause shown as determined
7 by the department. The student shall have attended an
8 eligible high school prior to receiving his GED and shall
9 have received his GED while residing in Wyoming;

10

11 (B) Meet the initial eligibility
12 requirements of this article other than curriculum
13 requirements, attendance and graduation from an eligible
14 high school and corresponding GPA requirements;

15

16 (C) If otherwise eligible, be eligible for
17 a scholarship as follows:

18

19 (I) With a minimum GED standard score
20 of 500, a scholarship at the same level and to the same
21 extent as a Hathaway opportunity scholarship or career
22 scholarship;

23

1 (II) With a minimum GED standard score
2 of 540, a scholarship at the same level and to the same
3 extent as a Hathaway performance scholarship;

4
5 (III) With a minimum GED standard
6 score of 575, a scholarship at the same level and to the
7 same extent as a Hathaway honor scholarship.

8
9 (v) Any other rules and regulations necessary
10 for the implementation and administration of this article.

11
12 (c) The department shall establish annual reporting
13 procedures for purposes of policy analysis and program
14 evaluation and providing accurate data to the legislature
15 and governor relative to the program's impact on the state
16 and on students. In developing the annual reporting
17 procedure the department shall consult with the University
18 of Wyoming and community college financial aid officers and
19 registrars or their designees. It is the intention of the
20 legislature that the reporting system and the requirements
21 thereof shall be applicable to all recipients of
22 scholarships under this article. Compliance with this
23 section shall be made a condition of receiving a

1 scholarship under this article. The reporting system shall
2 include the following information:

3

4 (i) A report prepared for each semester or
5 equivalent periods of time during each academic year
6 relative to the rate of retention of program participants;

7

8 (ii) Scholarships by students as they progress
9 from semester to semester or other equivalent periods of
10 time as may be applicable once enrolled at an eligible
11 institution. The data shall be reported by institution
12 attended, by the instructional program, and by scholarship
13 category and shall include the percent of students losing
14 scholarship eligibility due to not earning the minimum
15 number of credit hours, the percent of students losing
16 scholarship eligibility due to not having the required
17 cumulative grade point average, the percent of students
18 losing scholarship eligibility for failing to make
19 satisfactory academic progress and the percentage of
20 students losing scholarship eligibility for failing to
21 enroll. The same information shall also be reported by
22 categories showing those students qualifying through
23 WORKKEYS scores and GED scores and by the group of students

1 who attended a home-based educational program and did not
2 graduate from an eligible high school;

3

4 (iii) The persistence rates at the eligible
5 institutions of freshmen, sophomore, junior and senior
6 students receiving a scholarship reported by scholarship
7 category and by award year;

8

9 (iv) The graduation rates or rates of completion
10 of the chosen post-secondary education program if otherwise
11 applicable for students receiving a scholarship reported by
12 scholarship category and award year, including for those
13 graduating with an academic degree at the baccalaureate
14 level the rate for persons graduating within four (4)
15 years, within five (5) years and within six (6) years,
16 respectively and including for those graduating with a
17 certificate or associate degree the rate for persons
18 graduating within one (1), two (2) and three (3) years;

19

20 (v) The mean length of time required for a
21 student receiving a scholarship under this article to
22 graduate with a degree or to complete the certificate
23 program with such information being reported by scholarship
24 category and by award year;

1

2 (vi) An annual report on the number of
3 applicants as well as the percent of high school graduates
4 by high school district who apply for a scholarship by
5 scholarship category, and the percent of those students who
6 are awarded a scholarship and subsequently enroll in an
7 eligible institution;

8

9 (vii) Statistical studies on the relationship
10 between the courses taken and grades earned by a high
11 school student and the student's score on the ACT or
12 WORKKEYS test. Relative to public high schools, such
13 statistical studies shall use student course and grade data
14 that is otherwise available from the schools and such
15 studies shall be conducted at no additional cost to the
16 governing authority of any public high school;

17

18 (viii) Statistical studies on the relationship
19 between the courses taken and the grades earned in high
20 school and the student's college or university GPA.

21

22 (d) The annual report by the department shall be
23 submitted to the governor and the legislature in accordance
24 with W.S. 9-2-1014.

1

2 (e) The department may conduct an audit of any
3 eligible institution participating in the scholarship
4 program under this article to determine compliance with any
5 provision of this article.

6

7 **21-16-1309. Scholarship amounts.**

8

9 (a) To the extent a scholarship under this article
10 would, when combined with any grant or scholarship from a
11 student financial aid program administered through the
12 state or any state institution, in any semester exceed the
13 cost of attendance at the eligible institution, the
14 scholarship under this article shall be reduced by the
15 amount necessary to not exceed that cost of attendance.

16

17 (b) To the extent sufficient funds are not available
18 in the expenditure account to fund all scholarships as
19 provided under this article:

20

21 (i) Funds available for scholarships under W.S.
22 21-16-1304 and 21-16-1305 shall be used for scholarships
23 under W.S. 21-16-1306 after all scholarships under W.S.
24 21-16-1304 and 21-16-1305 have been paid;

1

2 (ii) Funds available for scholarships under W.S.
3 21-16-1306 shall be used for scholarships under W.S.
4 21-16-1304 and 21-16-1305 after all scholarships under W.S.
5 21-16-1306 have been paid;

6

7 (iii) After all funds within the expenditure
8 account have been expended, funds within the Hathaway
9 student scholarship reserve account shall be used to fund
10 any remaining scholarships awarded under this article;

11

12 (iv) If no funds remain available in the
13 expenditure account or reserve account at the time payment
14 is required to be made to an institution for any semester,
15 the payment to the eligible institutions shall be reduced
16 on a first come first served basis using the student's
17 application date for the scholarship.

18

19 **21-16-1310. Legislative oversight and authority.**

20

21 Nothing in this article shall be construed to constitute an
22 entitlement to a scholarship established and funded by the
23 legislature. Wyoming Hathaway scholarships shall be subject
24 to legislative appropriation and the legislature reserves

1 the right to modify or terminate the program established
2 under this article at any time.

3

4 **Section 2.** W.S. 21-4-501 by creating a new subsection
5 (e), 21-16-1201(d), 21-17-105(a) and (b)(intro) and
6 21-17-114(a) are amended to read:

7

8 **21-4-501. Payment of tuition for children resident in**
9 **districts which maintain no high school; admission of**
10 **children to high schools in other districts; state board**
11 **approval for out-of-state placements; duties of admitting**
12 **districts; tuition amount.**

13

14 (e) Any out-of-state placement under subsection (a)
15 of this section shall include within the agreement with the
16 out-of-state school district, that district's agreement to
17 provide student transcripts as required under W.S.
18 21-16-1308(a)(ii).

19

20 **21-16-1201. Excellence in higher education endowment**
21 **account; student scholarship endowment account;**
22 **distributions by state treasurer; legislative restrictions.**

23

1 (d) Commencing with the fiscal year beginning July 1,
2 2006, earnings from the Hathaway student scholarship
3 endowment account created by this article shall be
4 transferred by the state treasurer to the Hathaway
5 scholarship expenditure account created by W.S. 21-16-1302.
6 Any subsequent deposits to ~~this~~ the Hathaway student
7 scholarship endowment account mandated by law or
8 appropriation shall remain in the account until otherwise
9 used to support scholarship programs as specified by law.

10
11 **21-17-105. Tuition to be as nearly free as possible;**
12 **number, qualifications and selection of students for**
13 **reduced tuition; reciprocal residency.**

14
15 (a) To the end that none of the youth of the state who
16 crave the benefits of higher education may be denied, and
17 that all may be encouraged to avail themselves of the
18 advantages offered by the university or community colleges,
19 tuition shall be as nearly free as possible, and it shall
20 be ~~wholly free~~ reduced by five hundred dollars (\$500.00)
21 per semester to either the university or any community
22 college in the state, as elected by the student, to three
23 (3) students annually from each county as are selected and
24 appointed by the board of county commissioners therein.

1 Scholarships under this section shall be in addition to any
2 Hathaway scholarship awarded a student under W.S.
3 21-16-1301 et seq., but shall be considered for purposes of
4 calculating unmet financial need for Hathaway need based
5 scholarships.

6
7 (b) Students shall be appointed after due
8 consideration of the individual student's extra curricular
9 activity, scholastic ability and American college testing
10 score. Grade point average and American college testing
11 scores shall be equally weighted. For any entering student
12 who fails a math or English placement test, the reduced
13 tuition scholarship under this section is not effective.
14 Notwithstanding the provisions of subsection (a) of this
15 section, the county commissioners may award one (1)
16 additional scholarship each year as a renewal to a student
17 maintaining above a 2.50 average, provided that the total
18 number of students receiving original and renewal
19 scholarships in any county in any year shall not exceed:

20
21 **21-17-114. Scholarship fund for students planning**
22 **teaching careers authorized; eligibility; rulemaking**
23 **authority granted.**

24

1 (a) The board of trustees is authorized to establish a
2 tuition scholarship fund for students planning teaching
3 careers. The purpose of this tuition scholarship fund is to
4 encourage Wyoming students demonstrating superior academic
5 achievement to pursue careers in teaching within the state
6 of Wyoming. Each year the board may award scholarships to
7 sixteen (16) Wyoming high school graduates covering ~~costs~~
8 five hundred dollars (\$500.00) per semester of the cost of
9 tuition at the university or any community college in the
10 state who major in education. No student is eligible to
11 apply for a scholarship under this section unless the
12 student or his mother, father or lawful guardian is a
13 resident of Wyoming and has been a resident of Wyoming for
14 at least five (5) years. Scholarships under this section
15 shall be in addition to any Hathaway scholarship awarded a
16 student under W.S. 21-16-1301 et seq., but shall be
17 considered for purposes of calculating unmet financial need
18 for Hathaway need based scholarships.

19

20 **Section 3.**

21

22 (a) The legislature recognizes that eligible
23 institutions will have made substantial scholarship
24 commitments to students who plan to enroll for the fall of

1 2006 school year by the time this act is enacted into law.

2 Notwithstanding any other provision of this act:

3

4 (i) For the 2006-2007 school year, any Hathaway
5 scholarship provided under this act, except need based
6 scholarships provided under W.S. 21-16-1306, shall be
7 reduced by the amount of the eligible institution's
8 scholarship commitment made to that student for that school
9 year, but the institution shall honor that commitment to
10 the student in accordance with its terms for that year;

11

12 (ii) In subsequent years for students receiving
13 Hathaway scholarships for the 2006-2007 school year to whom
14 eligible institutions made institutional scholarship
15 commitments beyond the 2006-2007 school year, the Hathaway
16 scholarships provided under this act shall not be reduced
17 as provided in paragraph (i) of this subsection, but the
18 institution may reduce its annual institutional scholarship
19 commitment to the student by an amount not to exceed the
20 Hathaway scholarship funds provided to the student,
21 excluding need based scholarships provided under W.S.
22 21-16-1306, so that the Hathaway scholarship supplants and
23 is not an addition to the institutional scholarship. To the
24 extent that the institution reduces its scholarship

1 commitments under this paragraph, the institution shall
2 specify the purposes for which those commitments were
3 reallocated in its report required under section 4 of this
4 act.

5

6 (b) For purposes of this section "scholarship
7 commitment" means an existing scholarship, a scholarship
8 award letter or a scholarship offer made by the eligible
9 institution.

10

11 **Section 4.** The University of Wyoming and each
12 community college shall report biennially to the joint
13 education and joint appropriations interim committees on
14 the use of all scholarship funds controlled by the
15 institution, exclusive of federal funds. The report shall
16 show the total scholarship funds, including scholarship
17 funds granted via tuition discounts, for the most recently
18 completed biennium contrasted with the biennium ending June
19 30, 2006. The report shall show how any funds supplanted
20 by Hathaway scholarships have been reallocated for other
21 scholarship and student financial aid programs or have been
22 rebudgeted for other purposes and the plans for such funds
23 for the coming biennium. The report shall describe the
24 extent to which the university and community colleges have

1 included within regular written or electronic
2 communications transmitted to alumni of the institutions,
3 information on the progress of the scholarship programs
4 established under this article and information on making
5 contributions to the Hathaway student scholarship endowment
6 account.

7

8 **Section 5.** Notwithstanding W.S. 21-16-1308(a)(v)
9 created by this act, the state treasurer shall make
10 prepayments under this act to eligible institutions in
11 accordance with this section for the school years
12 commencing in the fall of 2006, 2007, 2008 and 2009. For
13 each of those school years the state treasurer, in
14 consultation with the University of Wyoming, the Wyoming
15 community college commission and the department of
16 education, shall project the anticipated payments due each
17 eligible institution under this act. For the fall
18 semesters of each of those school years the state
19 treasurer, not later than September 1 of each year, shall
20 pay each institution seventy-five percent (75%) of the
21 anticipated payment due for that semester. The same
22 prepayment shall be made for the following spring semester
23 not later than January 15. Payments of the balance due
24 the institution shall be made in accordance with W.S.

1 21-16-1308(a)(v). Should a prepayment under this section
2 exceed the amount actually due the institution under this
3 act for any semester, the excess amount shall be deducted
4 from the next payment made.

5

6 **Section 6.** The scholarships provided under this act
7 shall begin for students graduating from an eligible high
8 school or a home-based educational program or receiving a
9 GED after April 1, 2006 and shall be provided beginning
10 with the fall semester 2006.

11

12 **Section 7.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)