

## HOUSE BILL NO. HB0323

Wyoming SUPER scholarship program.

Sponsored by: Representative(s) Childers, Cohee, Hammons,  
Harshman, Hinckley and Luthi and Senator(s)  
Boggs and Jennings

## A BILL

for

1 AN ACT relating to the Wyoming superior undergraduate  
2 program for education reform; creating a separate account  
3 within the earmarked revenue fund; establishing  
4 scholarships for attendance at Wyoming community colleges,  
5 the University of Wyoming and other private institutions as  
6 specified; specifying eligibility criteria, conditions and  
7 limitations; imposing duties on the Wyoming state board of  
8 education and the department of education; delegating  
9 rulemaking authority; defining terms; imposing reporting  
10 requirements; providing an appropriation; authorizing a  
11 position; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 21-16-1201 through 21-16-1211 are  
16 created to read:

1

2

## ARTICLE 12

3

## WYOMING SUPERIOR UNDERGRADUATE PROGRAM

4

## FOR EDUCATION REFORM

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**21-16-1201. Definitions.**

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(a) As used in this article:

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(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;

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

(iii) "Account" means the Wyoming superior undergraduate scholarship account established under W.S. 21-16-1202;

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2 (iv) "ACT score" means a composite score on the  
3 American College Test or an equivalent score on the  
4 Scholastic Aptitude Test;

5

6 (v) "Board" means the Wyoming state board of  
7 education;

8

9 (vi) "Certificate" means a credential other than  
10 a degree as defined in paragraph (vii) of this subsection,  
11 which is either an associate of applied science degree or  
12 indicates satisfactory completion of training in a one (1)  
13 year program of study offered by a Wyoming community  
14 college or by an eligible institution accredited by an  
15 accrediting agency recognized by the United States  
16 department of education;

17

18 (vii) "Degree" means a baccalaureate, an  
19 associate of arts or an associate of science degree;

20

21 (viii) "Department" means the Wyoming department  
22 of education;

23

1           (ix) "Eligible high school" means a public or  
2 private secondary school that is located:

3

4           (A) In Wyoming and is accredited by the  
5 state department of education;

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7           (B) Outside Wyoming and is accredited by  
8 the appropriate regional accrediting agency.

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10           (x) "Eligible institution" means the University  
11 of Wyoming, a Wyoming community college or a private post-  
12 secondary educational institution accredited by an  
13 accrediting association recognized by the United States  
14 department of education and located in Wyoming;

15

16           (xi) "Grade point average" or "GPA" means the  
17 numbered grade average calculated using a 4.0 scale;

18

19           (xii) "Scholarship" means an award provided  
20 pursuant to W.S. 21-16-1204 and 21-16-1205;

21

22           (xiii) "Semester hour" means each nonremedial  
23 semester hour attempted for credit toward a degree or  
24 certificate, excluding any semester hour attempted before

1 earning a high school diploma or a general educational  
2 development (GED) equivalency diploma;

3

4 (xiv) "Title IV" means Title IV of the federal  
5 Higher Education Act of 1965, as amended.

6

7 **21-16-1202. Wyoming superior undergraduate**  
8 **scholarship account created; distributions by state**  
9 **treasurer.**

10

11 (a) The Wyoming superior undergraduate scholarship  
12 account is created within the earmarked revenue fund to  
13 consist of funds appropriated or designated to the account  
14 by law, or by gift from whatever source, for distribution  
15 in accordance with this article.

16

17 (b) The state treasurer shall distribute amounts  
18 within the account, at the request of the department of  
19 education on behalf of the board, to each eligible  
20 institution based on student participation.

21

22 **21-16-1203. Wyoming superior undergraduate program**  
23 **created; eligibility requirements.**

24

1           (a) There is created the Wyoming superior  
2 undergraduate program for education reform (SUPER) for  
3 Wyoming students, to be administered by the state board of  
4 education through the state department of education.

5

6           (b) Under the Wyoming SUPER program for students, the  
7 state shall provide a scholarship pursuant to W.S.  
8 21-16-1204 and 21-16-1205 to any student who has been  
9 accepted by and enrolls in an eligible institution to  
10 pursue a degree or certificate, and who meets the following  
11 qualifications:

12

13           (i) The student has demonstrated residency by  
14 proof of the following, as required by rule and regulation  
15 of the board:

16

17           (A) The student has actually resided in  
18 Wyoming during the twenty-four (24) months preceding  
19 enrollment in the eligible institution;

20

21           (B) If the student is registered to vote,  
22 the student is registered in Wyoming;

23

1                   (C) If the student is licensed to drive a  
2 motor vehicle, the student is in possession of a valid  
3 Wyoming drivers license; and

4  
5                   (D) If the student owns a motor vehicle  
6 located within Wyoming, the motor vehicle is registered in  
7 Wyoming.

8  
9                   (ii) The student has a parent or guardian who is  
10 a domiciliary of Wyoming;

11  
12                   (iii) The student has successfully completed a  
13 core curriculum and meets standards for admission to the  
14 eligible institution. The core curriculum requirement of  
15 this paragraph is in effect for students who apply for a  
16 scholarship under this article for the first-time and who  
17 enroll in an eligible institution in the fall of 2010, and  
18 thereafter. As used in this paragraph, core curriculum  
19 means an educational program as established under W.S.  
20 21-16-1206;

21  
22                   (iv) The student has no criminal conviction,  
23 except for misdemeanor traffic violations excluding  
24 conviction under W.S. 31-5-233; and

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(v) The student has:

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(A) Graduated from an eligible high school or is otherwise eligible under rules promulgated pursuant to W.S. 21-16-1208(a)(iv);

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(c) Notwithstanding W.S. 21-16-1201(a)(ix), students who are attending any high school in an adjoining state pursuant to an agreement in effect as of July 1, 2005, between the state department on behalf of the board and the local governing authority of the school in the adjoining state, are considered to have graduated from a state



1 approved nonpublic high school for the purpose of  
2 qualifying under this article.

3

4 (d) No student shall be eligible for a scholarship  
5 pursuant to this article for more than eight (8)  
6 consecutive semesters or an equivalent number of units  
7 comprising four (4) academic years in an eligible  
8 institution which operates on a schedule based on units  
9 other than semesters, unless an extension is granted by the  
10 board for cause pursuant to board rule and regulation.

11

12 **21-16-1204. Academic scholarships.**

13

14 (a) Any student who meets the criteria under W.S.  
15 21-16-1203 is eligible to receive an academic scholarship  
16 to pursue a degree as follows:

17

18 (i) With a minimum cumulative high school GPA of  
19 2.5 and at least a composite ACT score of 17, a scholarship  
20 for the cost of tuition for four (4) semesters at a Wyoming  
21 community college or other eligible institution offering  
22 certification within four (4) semesters;

23

1           (ii) With a minimum cumulative high school GPA  
2 of 3.0 and a composite ACT score of at least 20, a  
3 scholarship for the cost of tuition and an allowance for  
4 fees and books of five hundred dollars (\$500.00) per  
5 semester for eight (8) semesters;

6  
7           (iii) With a minimum cumulative high school GPA  
8 of 3.5 and a composite ACT score of 25, a scholarship for  
9 the cost of tuition and an allowance for fees and books of  
10 one thousand dollars (\$1,000.00) per semester for eight (8)  
11 semesters.

12  
13           (b) A student who receives a scholarship under  
14 paragraph (a)(i) of this section who earns at least forty-  
15 eight (48) credit hours at an eligible institution with a  
16 cumulative GPA of 2.75 shall receive an additional  
17 scholarship for the cost of tuition for four (4) additional  
18 semesters at the University of Wyoming if the student  
19 maintains a cumulative GPA of 2.75 and otherwise remains  
20 eligible for a scholarship under this article.

21  
22           (c) The cost of tuition for students enrolled in the  
23 University of Wyoming or a Wyoming community college shall  
24 be the actual cost of tuition. For students enrolled at an

1 eligible two (2) year institution other than a Wyoming  
2 community college, the cost of tuition shall be the lesser  
3 of the actual cost of tuition or the average tuition cost  
4 for all Wyoming community colleges. The cost of tuition for  
5 students enrolled in an eligible four (4) year institution  
6 other than the University of Wyoming shall be the lesser of  
7 the actual cost of tuition or the cost of tuition at the  
8 university.

9

10 (d) To remain eligible for the scholarship award  
11 under this section, the student shall:

12

13 (i) Make steady academic progress toward a  
14 degree and earn not less than the minimum number of credits  
15 required for classification as a full-time student during  
16 each semester, or in the final semester before completion  
17 of the degree, the required number of hours necessary for  
18 completion. If a student fails to maintain the cumulative  
19 grade point average required for continuation in the  
20 program provided under paragraph (iv) of this subsection or  
21 is placed on academic probation by the eligible institution  
22 attended, the student shall become ineligible for the  
23 scholarship in subsequent semesters unless granted an  
24 exception for cause by the board or except as otherwise

1 provided in this subsection. The scholarship under this  
2 article may be reinstated for the subsequent semester upon  
3 attainment of the cumulative grade point average required  
4 under paragraph (iv) of this subsection, provided that the  
5 period of ineligibility did not persist for more than two  
6 (2) years from the date of loss of eligibility;

7

8 (ii) Maintain continuous enrollment for not less  
9 than two (2) semesters in each successive academic year,  
10 unless granted an exception for cause by the board;

11

12 (iii) Have no criminal conviction, except for  
13 misdemeanor traffic violations excluding a conviction under  
14 W.S. 31-5-233; and

15

16 (iv) Maintain a cumulative grade point average  
17 as evaluated at the end of each academic year as follows:

18

19 (A) For scholarships awarded under  
20 paragraph (a) (i) of this section, at least a 2.25 GPA after  
21 completion of twenty-four (24) hours of credit;

22

23 (B) For scholarships awarded under  
24 paragraph (a) (ii) of this section:

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(I) At least a 2.5 GPA after completion of twenty-four (24) hours of credit;

(II) At least a 2.75 GPA after completion of forty-eight (48) hours of credit; and

(III) At least a 2.75 GPA after completion of seventy-two (72) hours of credit.

(C) For scholarships awarded under paragraph (a)(iii) of this section:

(I) At least a 2.75 GPA after completion of twenty-four (24) hours of credit;

(II) At least a 3.00 GPA after completion of forty-eight (48) hours of credit; and

(III) At least a 3.00 GPA after completion of seventy-two (72) hours of credit.

(e) Not later than October 1, 2009, and by October 1 in each odd-numbered year thereafter, the board, in

1 consultation with the University of Wyoming and the  
2 community college commission, shall report to the governor  
3 and the joint education interim committee of the  
4 legislature on recommendations for modifications to the  
5 minimum cumulative GPA and minimum composite ACT scores  
6 contained in this section to ensure that the SUPER program  
7 is designed to provide the desired incentives for students  
8 to pursue a rigorous core curriculum and strive to achieve  
9 academic success.

10

11 **21-16-1205. Vocational technical scholarships.**

12

13 (a) Any student who meets the criteria under W.S.  
14 21-16-1203 is eligible to receive a vocational technical  
15 scholarship to pursue a certificate as follows:

16

17 (i) With a minimum cumulative high school GPA of  
18 2.0 and at least a composite ACT score of 15, a scholarship  
19 for the cost of tuition for four (4) semesters;

20

21 (ii) With a minimum cumulative high school GPA  
22 of 2.5 and a composite ACT score of at least 16, a  
23 scholarship for the cost of tuition and an allowance for

1 fees and books of two hundred fifty dollars (\$250.00) per  
2 semester for four (4) semesters;

3

4 (iii) With a minimum cumulative high school GPA  
5 of 2.75 and a composite ACT score of at least 17, a  
6 scholarship for the cost of tuition and an allowance for  
7 fees and books of five hundred dollars (\$500.00) per  
8 semester.

9

10 (b) The cost of tuition for students enrolled in a  
11 Wyoming community college shall be the actual cost of  
12 tuition and for students enrolled at any other eligible  
13 institution, the actual cost of tuition or the average  
14 tuition cost for students attending Wyoming community  
15 colleges, whichever is less.

16

17 (c) To remain eligible for the scholarship award  
18 under this section, the student shall:

19

20 (i) Make steady academic progress toward a  
21 certificate and earn not less than the minimum number of  
22 credits required for classification as a full-time student  
23 during each semester or in the final semester before  
24 completion of the certificate, the required number of hours

1 necessary for completion. If a student fails to maintain  
2 the cumulative grade point average required for  
3 continuation in the program provided in paragraph (iv) of  
4 this subsection or is placed on academic probation by the  
5 eligible institution attended, the student shall become  
6 ineligible for the scholarship in subsequent semesters  
7 unless granted an exception for cause by the board and  
8 except as otherwise provided in this subsection. The  
9 scholarship under this article may be reinstated for the  
10 subsequent semester upon attainment of the cumulative grade  
11 point average required under paragraph (iv) of this  
12 subsection if the period of ineligibility did not persist  
13 for more than two (2) years from the date of loss of  
14 eligibility;

15

16 (ii) Maintain continuous enrollment for not less  
17 than two (2) semesters in each successive academic year,  
18 unless granted an exception for cause by the board;

19

20 (iii) Have no criminal conviction, except for  
21 misdemeanor traffic violations excluding any conviction  
22 under W.S. 31-5-233; and

23



1           (iv) Maintain a cumulative grade point average  
2 as follows, as evaluated at the end of each academic year  
3 for certificates that require more than one (1) academic  
4 year:

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6           (A) For scholarships awarded under  
7 paragraph (a)(i) of this section, at least a 2.0 GPA after  
8 completion of twenty-four (24) hours of credit;

9

10           (B) For scholarships awarded under  
11 paragraph (a)(ii) of this section, at least a 2.25 GPA  
12 after completion of twenty-four (24) hours of credit;

13

14           (C) For scholarships awarded under  
15 paragraph (a)(iii) of this section, at least a 2.5 GPA  
16 after completion of twenty-four (24) hours of credit.

17

18           (d) Not later than October 1, 2009, and by October 1  
19 in each odd-numbered year thereafter, the board, in  
20 consultation with the community college commission, shall  
21 report to the governor and the joint education interim  
22 committee of the legislature on recommendations for  
23 modifications to the minimum cumulative GPA and minimum  
24 composite ACT scores contained in this section to ensure

1 that the SUPER program is designed to provide the desired  
2 incentives for students to pursue a rigorous core  
3 curriculum and strive to achieve academic success.

4

5 **21-16-1206. Core curriculum.**

6

7 Not later than October 1, 2005, the board shall recommend  
8 to the governor and the joint education interim committee  
9 of the legislature, in consultation with the University of  
10 Wyoming, each Wyoming community college and the Wyoming  
11 community college commission, the contents of an  
12 appropriate core curriculum for academic scholarship  
13 students and, in consultation with the community colleges  
14 and the commission, the contents of an appropriate core  
15 curriculum for vocational technical scholarship students.  
16 The core curriculum and cumulative GPA requirements for  
17 performance in the core curriculum shall, upon approval of  
18 the legislature, be adopted to enable students entering  
19 high school in the fall of 2006 to pursue that curriculum  
20 for scholarship eligibility under this article beginning  
21 with the fall of 2010. In addition, the board shall, in  
22 consultation with the University of Wyoming, each Wyoming  
23 community college and the Wyoming community college  
24 commission, recommend components of the core curriculum to

1 be included in the criteria for eligibility for both the  
2 academic and vocational technical scholarships during each  
3 year of the phase-in of the SUPER program commencing with  
4 the fall of 2006 through the fall of 2009, prior to  
5 complete implementation in the fall of 2010.

6

7 **21-16-1207. ACT grants.**

8

9 To encourage all Wyoming students to challenge themselves  
10 by taking the ACT test, from funds appropriated to the  
11 account by the legislature, the board through the  
12 department shall direct the state treasurer to distribute  
13 funds from the account to Wyoming school districts  
14 sufficient to ensure that all Wyoming students, including  
15 those who are in private schools or who are in a home-based  
16 educational program, may take the ACT test during their  
17 junior year, grade eleven (11) or its equivalent, at no  
18 cost to the student. The grant amounts shall be made from  
19 funds available within the account and shall be distributed  
20 by the state treasurer at the request of the department, in  
21 the manner and at times prescribed by rule and regulation  
22 of the board.

23

24 **21-16-1208. Administration; rules and regulations.**

1

2 (a) This article shall be administered by the  
3 department on behalf of the board. The board shall  
4 promulgate rules and regulations necessary to implement  
5 this article, including:

6

7 (i) A means for informing all students of the  
8 availability of the scholarships under this article in  
9 sufficient time to enable the student to plan for  
10 completion of the required core curriculum;

11

12 (ii) Applications, forms, financial and program  
13 audit procedures, eligibility and other matters related to  
14 efficient operation;

15

16 (iii) A procedure for waiver of the student's  
17 requirement to complete the core curriculum upon proper  
18 documentation by the high school's administrator or  
19 authorized designee that failure to comply with the  
20 requirement was due solely to the fact that a required  
21 course was not available to the applicant at the school  
22 attended;

23

1           (iv) Criteria and procedures under which  
2 students in a home-based educational program and students  
3 who received a general education development (GED)  
4 equivalency diploma can qualify for scholarships under this  
5 article. A student receiving a GED shall not be eligible  
6 for a scholarship under this article unless he scores a  
7 minimum of six hundred (600) and received the GED no sooner  
8 than four (4) years following the graduation year of the  
9 student's high school class; and

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

13  
14           (b) The board, through the department, shall  
15 establish an annual reporting procedure specifying funds  
16 received and recipients enrolled during the preceding  
17 academic year. The annual report by the board shall be  
18 submitted to the governor and the legislature in accordance  
19 with W.S. 9-2-1014.

20  
21           **21-16-1209. Program eligibility.**

22

1           (a) A student is not eligible for a scholarship under  
2 the Wyoming SUPER program established under this article if  
3 the student:

4  
5           (i) Is not a United States citizen or a  
6 permanent resident alien who meets the definition of an  
7 eligible noncitizen under federal Title IV requirements;

8  
9           (ii) Has not complied with United States  
10 selective service system requirements for registration, if  
11 the requirements are applicable to the student;

12  
13           (iii) Is in default on a federal Title IV  
14 education loan. Nothing in this paragraph prohibits a  
15 student who is otherwise eligible for a scholarship under  
16 this article and has fully repaid a defaulted loan from  
17 receiving a scholarship for future academic semesters;

18  
19           (iv) Owes a refund under a federal Title IV  
20 student financial aid program or a student financial aid  
21 program administered through the state. Nothing in this  
22 paragraph prohibits a student from receiving a scholarship  
23 for future academic semesters who is otherwise eligible for

1 a scholarship under this article and has fully paid the  
2 refund owed;

3

4 (v) Would be ineligible for federal aid under  
5 Title IV in accordance with the Drug Free Postsecondary  
6 Education Act of 1990 for conviction of a felony offense  
7 involving a controlled substance;

8

9 (vi) Is incarcerated; or

10

11 (vii) Does not otherwise qualify under this  
12 article for a scholarship.

13

14 **21-16-1210. Certification of students.**

15

16 (a) Each district board of trustees shall for any  
17 high school under its jurisdiction, and the administrator  
18 of each nonpublic high school approved by the board shall,  
19 using the criteria specified under W.S. 21-16-1204 and 21-  
20 16-1205 as minimum academic qualifications for selection,  
21 identify and certify to the department and the board those  
22 students graduating and achieving the required academic  
23 standards necessary to qualify for a scholarship under this  
24 article.

1

2 (b) In addition to subsection (a) of this section,  
3 each district and the administrator of each nonpublic high  
4 school approved by the board shall provide the department  
5 and the board a certified list of students in grade eleven  
6 (11) or its equivalent for purposes of W.S. 21-16-1207.  
7 Certification shall be on a form prescribed and provided by  
8 the department.

9

10 **21-16-1211. Legislative oversight and authority.**

11

12 Nothing in this article shall be construed to constitute an  
13 entitlement to a scholarship established and funded by the  
14 legislature. Wyoming superior undergraduate program  
15 scholarships shall be subject to legislative appropriation  
16 and the legislature reserves the right to terminate the  
17 program established under this article at any time.

18

19 **Section 2.**

20

21 (a) Twenty-seven million two hundred thousand dollars  
22 (\$27,200,000.00) is appropriated from the general fund for  
23 purposes of implementing this act. Except for amounts  
24 expended under subsection (b) of this section, this



1 appropriation shall be deposited by the state treasurer in  
2 the Wyoming superior undergraduate scholarship account  
3 created by W.S. 21-16-1202 under section 1 of this act.  
4 Amounts deposited within the account shall be expended by  
5 the treasurer at the direction of the state board, through  
6 the department of education, for purposes of this act  
7 including funding scholarships, ACT grants and other  
8 administrative costs. Amounts within the account shall not  
9 revert on June 30, 2006, but shall remain within the  
10 account to fund scholarship and administration costs in  
11 subsequent years.

12

13 (b) The department of education is authorized one (1)  
14 full-time position necessary to administer this act on  
15 behalf of the state board. This position shall be funded  
16 from amounts appropriated under subsection (a) of this  
17 section and shall be filled only upon approval of the state  
18 board. This position shall work directly for the board and  
19 shall coordinate with the University of Wyoming, Wyoming  
20 community colleges, private and home-based schools.

21

22 (c) Funds for scholarships shall be distributed by  
23 the board through the state treasurer to each eligible

1 post-secondary education institution, college or the  
2 university based on student participation.

3

4       **Section 3.** This act is effective immediately upon  
5 completion of all acts necessary for a bill to become law  
6 as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

8

9

(END)