

A BILL

for

WORKING DRAFT

SENATE FILE NO. _____

Hathaway scholarship program.

Sponsored by: (s) Sdraft

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 and school districts; delegating rulemaking
 8 authority; defining terms; imposing reporting requirements;
 9 providing an appropriation and providing for a continuous
 10 appropriation; authorizing positions; and providing for an
 11 effective date.

12

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

14

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

3

4

ARTICLE 13

5

HATHAWAY SCHOLARSHIP PROGRAM

6

7

21-16-1301. Definitions.

8

9

(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 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;

1 **completed without a final judgment of conviction**
2 **ever being entered.**
3

4 (vii) "Degree" means a baccalaureate or an
5 associate degree other than a certificate;
6

7 (viii) "Department" means the Wyoming department
8 of education;

9 ***** STAFF COMMENTS *****
10 **The department of education will implement the**
11 **program overall. The University and community**
12 **colleges will generally determine eligibility,**
13 **within the statutory guidelines.**
14

15 (ix) "Eligible high school" means a public or
16 private secondary school that is located in Wyoming and is
17 accredited by the department;
18

19 (x) "Eligible institution" means the University
20 of Wyoming or a Wyoming community college;

21 ***** STAFF COMMENTS *****
22 **This definition limits the scholarships to**
23 **attendance at the University of Wyoming and**
24 **Wyoming community colleges.**
25

26 (xi) "Grade point average" or "GPA" means the
27 numbered grade average calculated using a 4.0 scale. High
28 school GPAs for preliminary eligibility determinations
29 under this article shall be determined as of the end of the

1 first semester of a student's senior year, or for students
2 graduating prior to their senior year as of the end of the
3 semester immediately prior to the last semester before the
4 student's graduation. High school GPAs for final
5 eligibility determinations under this article shall be
6 determined as of the completion of a student's senior year,
7 or for students graduating prior to their senior year as of
8 the completion of the student's secondary education;

9

10 (xii) "Graduate of an out-of-state high school"
11 means a person attending and graduating from an out-of-
12 state high-school pursuant to W.S. 21-4-501;

13

14 (xiii) "Satisfactory academic progress" means
15 completing at least twelve (12) semester hours per semester
16 and meeting such other criteria as established by the
17 eligible institution to ensure the student earns his degree
18 or certificate in a timely manner;

19

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

22

23 (xiv) "Semester hour" means each nonremedial
24 semester hour attempted for credit toward a degree or

1 certificate, excluding any semester hour attempted before
2 earning a high school diploma or a general educational
3 development (GED) equivalency diploma;

4

5 (xv) "Title IV" means Title IV of the federal
6 Higher Education Act of 1965, as amended;

7

8 (xvi) "Unmet financial need" means the sum cost
9 of tuition, mandatory fees, room and board, books and
10 supplies, travel and personal expenses to attend an
11 eligible institution, minus the sum of expected family
12 contribution, all federal, state, local, institutional and
13 privately funded scholarships or grants, and all federally
14 subsidized loans and work study program funds received by
15 the student, all as determined by the institution. The
16 institution shall use the most recent federal free
17 application for federal student aid form to determine
18 expected family contribution;

19

***** STAFF COMMENTS *****

20

**This definition is used for the need based
21 component, see 21-16-1306 below.**

22

23 (xvii) "WORKKEYS SCORE" means qualifying scores
24 on the WORKKEYS job skills assessment test.

25

1 **21-16-1302. Hathaway scholarship expenditure account**
2 **created; use and appropriation of funds.**

3
4 The Hathaway scholarship expenditure account is
5 created to consist of earnings from the Hathaway student
6 scholarship endowment account created by W.S. 21-16-1201
7 and such other funds appropriated by the legislature to the
8 expenditure account. Eighty percent (80%) of all monies
9 deposited to the expenditure account under this section
10 shall be available for scholarships under W.S. 21-16-1304
11 and 21-16-1305. Twenty percent (20%) of all monies
12 deposited to the expenditure account under this section
13 shall be available for scholarships under W.S. 21-16-1306.
14 Monies within the expenditure account are continuously
15 appropriated to the state treasurer for distribution to
16 eligible institutions based on scholarships awarded under
17 this article. All unexpended and unencumbered monies
18 within the expenditure account at the end of each fiscal
19 year shall be deposited to the Hathaway student scholarship
20 endowment account.

21 ***** STAFF COMMENTS *****
22 **This divides all earnings from the scholarship**
23 **endowment account, with 80% being used for merit**
24 **scholarships and 20% for merit/need scholarships.**
25 **All earnings are automatically made available for**
26 **the scholarship program; it would not require a**
27 **legislative appropriation each biennium to use**

1 the funds from earnings. If earnings exceed
2 scholarship payments at the end of any fiscal
3 year, the remaining funds would revert to the
4 endowment corpus.
5

6 **21-16-1303. Hathaway scholarship program; eligibility**
7 **requirements.**

8
9 (a) There is created the Hathaway scholarship program
10 for Wyoming students.

11
12 (b) Under the Hathaway scholarship program, subject
13 to availability of funds as determined by the legislature,
14 the state shall provide a scholarship pursuant to W.S.
15 21-16-1304 and 21-16-1305 to any student who has been
16 accepted by and enrolls in an eligible institution to
17 pursue a degree or certificate, and who meets the following
18 qualifications:

19
20 (i) The student has demonstrated Wyoming
21 residency as determined by the eligible institution at
22 which the student is enrolled;

23
24 (ii) The student has successfully completed a
25 curriculum and meets standards for admission to the
26 eligible institution. Until success curricula requirements

1 are established pursuant to W.S. 21-16-1307, the curriculum
2 requirement of this paragraph shall be that applicable for
3 assured admission to the University of Wyoming. For first-
4 time students who enroll in an eligible institution in the
5 fall of 2011, and thereafter, curriculum requirements for
6 a scholarship under this article shall be as established
7 pursuant to W.S. 21-16-1307;

8 ***** STAFF COMMENTS *****

9 **The above needs to be read in conjunction with**
10 **21-16-1307 and the accompanying staff comment.**
11

12 (iii) The student has not been convicted of a
13 felony; and
14

15 (iv) The student has:
16

17 (A) Graduated from an eligible high school
18 or is otherwise eligible under rules promulgated pursuant
19 to W.S. 21-16-1308(b) (iii) and (iv);
20

21 ***** STAFF COMMENTS *****

22 **The "otherwise eligible" refers to home schoolers**
23 **and GED recipients.**

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

1 The department shall by rule and regulation establish
2 exceptions to the requirement of this subparagraph for
3 military service, religious service and other good cause
4 shown; and

5 ***** STAFF COMMENTS *****

6 **Depending on when this bill is made effective**
7 **this would initially allow more than one high**
8 **school graduating class to receive the first**
9 **Hathaway scholarships; i.e., in addition to the**
10 **class graduating after this bill is effective,**
11 **those graduated previously as long as the**
12 **application is within two years of the high**
13 **school graduation date.**
14

15 (C) The minimum high school cumulative
16 grade point average and minimum composite ACT or cumulative
17 WORKKEYS score specified under this article for the type of
18 scholarship to be awarded.

19

20 (c) Notwithstanding W.S. 21-16-1301(a)(ix), students
21 who are Wyoming residents and graduates of an out-of-state
22 high school shall be deemed to have graduated from an
23 eligible high school for the purpose of qualifying under
24 this article. Notwithstanding W.S. 21-16-1301(a)(ix) or
25 paragraph (b)(i) of this section, a student whose custodial
26 parent or guardian is in active military service and
27 maintains Wyoming as that parent's or guardian's state of
28 domicile is deemed to be a Wyoming resident and if a high

1 school graduate of a high school outside of Wyoming
2 accredited by the appropriate regional accrediting agency
3 shall be deemed to have graduated from an eligible high
4 school for the purpose of qualifying under this article.

5 ***** STAFF COMMENTS *****

6 **The above allows a student of a military parent**
7 **who maintains Wyoming as the parent's state of**
8 **domicile to qualify as a Wyoming student**
9 **regardless of where the student resides.**
10

11 (d) No student shall be eligible for a scholarship
12 pursuant to this article for more than eight (8)
13 consecutive semesters or an equivalent number of units
14 comprising four (4) academic years in an eligible
15 institution which operates on a schedule based on units
16 other than semesters, unless an extension is granted by the
17 department for cause pursuant to rule and regulation. For
18 purposes of this subsection a student's eligibility shall
19 be deemed to have commenced with the first semester in
20 which the state is obligated to reimburse an eligible
21 institution for the student's scholarship under this
22 article.

23 ***** STAFF COMMENTS *****

24 **This places an overall eligibility cap on all**
25 **scholarships under this program at a maximum of 4**
26 **consecutive years. Thus, unless an extension is**
27 **granted, once the state is obligated to pay**
28 **Hathaway scholarship funds to an eligible**
29 **institution for a particular student, his**
30 **eligibility will expire at the end of 4**

1 **consecutive academic years, regardless of whether**
2 **he receives a scholarship each semester.**
3

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

6

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

10

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

14

15 (iii) Is in default on a federal Title IV
16 education loan. Nothing in this paragraph prohibits a
17 student who is otherwise eligible for a scholarship under
18 this article and has fully repaid a defaulted loan or is no
19 longer in default, from receiving a scholarship for future
20 academic semesters;

21

22 (iv) Owes a refund under a federal Title IV
23 student financial aid program or a student financial aid
24 program administered through the state. Nothing in this
25 paragraph prohibits a student from receiving a scholarship

1 for future academic semesters who is otherwise eligible for
2 a scholarship under this article and has fully paid the
3 refund owed;

4

5 (v) Is incarcerated; or

6

7 (vi) Does not otherwise qualify under this
8 article for a scholarship.

9

10 **21-16-1304. Degree scholarships.**

11

12 (a) Any student who meets the criteria under W.S.
13 21-16-1303 is eligible to receive a degree scholarship to
14 pursue a degree or certificate as follows:

15

16 (i) With a minimum cumulative high school GPA of
17 2.50 and a composite ACT score of at least eighteen (18), a
18 scholarship for seven hundred fifty dollars (\$750.00) per
19 semester for a maximum of four (4) semesters at a Wyoming
20 community college;

21

22 (ii) With a minimum cumulative high school GPA
23 of 3.5 and a composite ACT score of at least twenty-three
24 (23), a scholarship for one thousand two hundred fifty

1 dollars (\$1,250.00) per semester for a maximum of eight (8)
2 semesters at an eligible institution.

3

4 (b) A student who receives a scholarship under
5 paragraph (a)(i) of this section who earns at least forty-
6 eight (48) semester hours at the eligible institution with
7 a minimum cumulative GPA of 2.25 shall receive an
8 additional scholarship for seven hundred fifty dollars
9 (\$750.00) per semester for a maximum of four (4) semesters
10 at the University of Wyoming if the student maintains a
11 minimum cumulative GPA of 2.25 and otherwise remains
12 eligible for a scholarship under this article.

13

***** STAFF COMMENTS *****

14

**The above allows a two year scholarship to be
15 extended to four years if the college GPA and
16 hours are met.**

17

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

20

21 (i) Make satisfactory academic progress toward a
22 degree and earn not less than the minimum number of credits
23 required of recipients of federal financial aid for
24 classification as a full-time student during each semester,
25 or in the final semester before completion of the degree,
26 the required number of hours necessary for completion. If

1 a student fails to maintain the cumulative grade point
2 average required for continuation in the program as
3 provided in this subsection, the student shall become
4 ineligible for the scholarship in subsequent semesters
5 unless granted an exception for cause by the department or
6 except as otherwise provided in this subsection. The
7 scholarship under this article may be reinstated for the
8 subsequent semester following attainment of the cumulative
9 grade point average required of the applicable scholarship
10 under paragraph (iv) of this subsection, provided that the
11 applicable maximum number of semesters specified under
12 subsection (a) of this section, including semesters for
13 which a scholarship was not received, has not been reached;

14 ***** STAFF COMMENTS *****

15 **If the GPA falls below the required minimum and**
16 **the scholarship is lost, it can be restored for**
17 **later semesters once the cumulative minimum GPA**
18 **is reached, but each semester lost cannot be**
19 **regained.**
20

21 (ii) Maintain continuous enrollment for not less
22 than two (2) semesters in each successive academic year,
23 unless granted an exception for cause by the department;

24

25 (iii) Not have been convicted of any felony; and

26

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

3

4 (A) For scholarships awarded under
5 paragraph (a)(i) of this section, at least a 2.25 GPA;

6

7 (B) For scholarships awarded under
8 paragraph (a)(ii) of this section, at least a 2.75 GPA.

9

10 (d) A student receiving a scholarship under paragraph
11 (a)(ii) of this section who fails to meet the GPA
12 requirements of subsection (c) of this section necessary to
13 maintain that scholarship may be awarded a scholarship
14 under paragraph (a)(i) of this section for attendance at
15 the appropriate eligible institution if he meets the
16 requirements necessary to maintain that scholarship.

17

***** STAFF COMMENTS *****

18

**If the higher scholarship is lost due to GPA, the
19 lower can be awarded if the GPA requirements for
20 the lower are met.**

21

22 **21-16-1305. Certificate scholarships.**

23

24 (a) Any student who meets the criteria under W.S.
25 21-16-1303 is eligible to receive a certificate scholarship
26 to pursue a certificate as follows:

1

2 (i) With a minimum cumulative high school GPA of
3 2.50 and either a composite ACT score of at least eighteen
4 (18) or a cumulative score of at least twelve (12) points
5 on applied math, reading for information and locating
6 information on WORKKEYS tests, a scholarship for seven
7 hundred fifty dollars (\$750.00) for a maximum of four (4)
8 semesters at a Wyoming community college;

9

10 (ii) A student who receives a scholarship under
11 paragraph (i) of this subsection or W.S. 21-16-1304(a)(i)
12 and who earns a certificate from the community college with
13 a minimum cumulative GPA of 2.25 may receive an additional
14 scholarship for seven hundred fifty dollars (\$750.00) per
15 semester for a maximum of four (4) semesters at a Wyoming
16 community college if the student maintains a minimum
17 cumulative GPA of 2.25 and otherwise remains eligible for a
18 scholarship under this article. A student who receives an
19 additional scholarship under W.S. 21-16-1304(b) shall not
20 receive an additional scholarship under this paragraph.

21

***** STAFF COMMENTS *****

22 **The paragraph above would allow a community**
23 **college student to pursue a second certificate or**
24 **an associate degree. Earlier provisions, W.S.**
25 **21-16-1304(a)(i) and (b), would allow a student**
26 **to attend community college for 4 semesters and**
27 **then UW for an additional 4 semesters. If a**

1 **student received that additional scholarship for**
2 **a degree, he could not receive this additional**
3 **certificate scholarship.**
4

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

7
8 (i) Make satisfactory academic progress toward a
9 certificate and earn not less than the minimum number of
10 credits required of recipients of federal financial aid for
11 classification as a full-time student during each semester
12 or in the final semester before completion of the
13 certificate, the required number of hours necessary for
14 completion. If a student fails to maintain the cumulative
15 grade point average required for continuation in the
16 program provided in paragraph (iv) of this subsection, the
17 student shall become ineligible for the scholarship in
18 subsequent semesters unless granted an exception for cause
19 by the department or except as otherwise provided in this
20 subsection. The scholarship under this article may be
21 reinstated for the subsequent semester following attainment
22 of the cumulative grade point average required under
23 paragraph (iv) of this subsection provided that the maximum
24 number of semesters specified under subsection (a) of this

1 section, including semesters for which a scholarship was
2 not received, has not been reached;

3 ***** STAFF COMMENTS *****

4 **The same provisions regarding loss of a**
5 **scholarship and regaining it apply to the**
6 **certificate scholarship as well as the degree**
7 **scholarship.**
8

9 (ii) Maintain continuous enrollment for not less
10 than two (2) semesters in each successive academic year,
11 unless granted an exception for cause by the department;
12

13 (iii) Not have been convicted of any felony; and
14

15 (iv) Maintain a cumulative grade point average
16 of at least 2.25 GPA, as evaluated at the end of each
17 academic year for certificates that require more than one
18 (1) academic year.
19

20 **21-16-1306. Need based scholarships.**
21

22 (a) In addition to scholarships made available under
23 W.S. 21-16-1304 and 21-16-1305 there shall be made
24 available a need based Hathaway scholarship as follows:
25

1

2

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

3

4

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

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24

(i) The contents of an appropriate success curriculum for degree scholarship students and, in consultation with each community college and the commission, the contents of an appropriate success curriculum for certificate scholarship students. The success curricula and cumulative GPA requirements for performance in the success curricula shall, upon approval of the legislature, enable students entering high school in the fall of 2007 to pursue those curricula for scholarship eligibility under this article beginning with the fall of 2011. The success curricula shall include at least four (4) years of mathematics, science, and reading/language arts and three (3) years of social studies in grades 9 through 12;

***** STAFF COMMENTS *****

1 Curriculum requirements would not be fully
2 implemented until this upcoming school year's
3 eighth graders are entering ninth grade. Until
4 that time, unless the legislation is changed, the
5 curriculum requirements would be that imposed by
6 the University of Wyoming for "assured
7 admission". The remaining paragraphs provide for
8 recommendations to make changes until full
9 implementation.
10

11 (ii) Components of the success curricula to be
12 included in the criteria for eligibility for both the
13 degree and certificate scholarships during each year of the
14 phase-in of the Hathaway scholarship program prior to
15 complete implementation in the fall of 2011;
16

17 (iii) The adoption of statewide student
18 assessment standards and scores administered pursuant to
19 W.S. 21-2-304(a) to supplant or augment qualifying ACT or
20 WORKKEYS scores for scholarships under this article. The
21 recommended adoption of statewide assessment standards and
22 scores shall be designed to provide incentives for students
23 to pursue a rigorous curriculum and strive to achieve
24 academic success in high school.
25

26 (b) Not later than October 1, 2007, and by October 1
27 in each odd-numbered year thereafter, the department, in
28 consultation with the University of Wyoming, Wyoming

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

10

11 ***** STAFF COMMENTS *****

12 **Until these curricula are adopted by further**
13 **legislative action, the UW assured admissions**
14 **requirements would be applicable. But the**
15 **language is written in the assumption that other**
16 **curricula will be developed for full**
17 **implementation in the fall of 2011.**

18

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

20

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

24

25 (i) Students shall make application for
26 scholarships under this article with the eligible
27 institution at the time of applying for admission or in any

1 event prior to the beginning of the semester at the
2 eligible institution;

3

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

13

14 (iii) For student's transferring from an
15 eligible institution to another eligible institution and
16 making application for continuance of a scholarship, the
17 institution from which the student is transferring shall at
18 the student's request provide an official transcript to the
19 new institution and shall provide a list of all semesters
20 of attendance in which a Hathaway scholarship was received
21 by the student or in which a student previously qualifying
22 for a Hathaway scholarship was determined ineligible for
23 the Hathaway scholarship;

24

1 (iv) Each eligible institution receiving an
2 application from a student applying for a Hathaway
3 scholarship shall preliminarily determine the student's
4 eligibility for the scholarship. For students initially
5 applying for a scholarship, unless the student's complete
6 academic record is available, the GPA used to preliminarily
7 determine eligibility shall be based upon the student's
8 official high school transcript after the student's last
9 semester prior to graduation. The GPA used to finally
10 determine scholarship eligibility for initial applicants
11 shall be the student's complete high school academic
12 record. Upon final determination of scholarship
13 eligibility, each community college shall certify to the
14 community college commission not later than thirty (30)
15 days after the semester commences, a list of students
16 enrolled at the institution who qualify for a scholarship
17 under this article, including the amount of each
18 scholarship. The University shall certify to the state
19 auditor within thirty (30) days after the semester
20 commences a like list for students enrolled at the
21 University. The director of the community college
22 commission shall verify that there is no duplication of
23 students on the community college lists and shall certify
24 to the state auditor the amount each college is to receive

1 under this article. The state treasurer shall pay from the
2 scholarship expenditure account the amount due each
3 community college according to warrants drawn by the state
4 auditor upon vouchers issued and signed by the director of
5 the commission and shall pay from the scholarship
6 expenditure account the amount due the University according
7 to warrants drawn by the state auditor upon vouchers issued
8 and signed by the chief financial officer of the
9 University. Payments under this paragraph shall be made
10 not later than seventy-five (75) days after the
11 institution's semester has commenced.

12 ***** STAFF COMMENTS *****

13 **Due to time constraints, a student will have a**
14 **preliminary eligibility determination made. If**
15 **his last semester's grades drop or raise the**
16 **minimum GPA below or above the requirements, the**
17 **preliminary determination could change.**
18

19 (b) The department shall, in consultation with
20 University of Wyoming and community college admissions
21 officers and financial aid officers, promulgate rules and
22 regulations necessary to implement this article, including:
23

24 (i) A means for informing all students and their
25 parents or guardians of the availability of the
26 scholarships under this article in sufficient time to

1 enable the student to plan for and complete the success
2 curriculum. The means shall at a minimum include:

3

4 (A) A requirement that each written
5 communication from a school district to a parent or
6 guardian of a student include on any envelope used, or on
7 the communication if no separate envelope is used, a
8 statement that the State of Wyoming provides Hathaway merit
9 and need scholarships to Wyoming students attending the
10 University of Wyoming and Wyoming community colleges and
11 that every Wyoming student who meets the merit requirements
12 can earn a Hathaway merit scholarship;

13

14 (B) A summary of available Hathaway
15 scholarships and requirements to earn a scholarship. The
16 summary shall be made available on the department's website
17 on the Internet, the World Wide Web or similar proprietary
18 or common carrier electronic system;

19

20 (C) Provision for each school district to
21 provide a nine (9) week class of instruction in the seventh
22 grade regarding preparation for post-secondary work,
23 including an overview of a curriculum needed to be
24 successful in post-secondary education, standardized test

1 requirements, scholarships available for post-secondary
2 education and earning differences anticipated at various
3 post-secondary education levels.

4

5 (ii) Applications, forms, financial and program
6 audit procedures, eligibility and other matters related to
7 efficient operation;

8

9 (iii) Criteria and procedures under which
10 students in a home-based educational program can qualify
11 for scholarships under this article. A student in a home-
12 based educational program:

13

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

16

17 (B) Shall meet the initial eligibility
18 requirements of this article other than attendance and
19 graduation from an eligible high school and corresponding
20 GPA requirements;

21

22 (C) Who is otherwise eligible and who
23 achieves the requisite composite ACT or cumulative WORKKEYS
24 score shall be eligible for the scholarships provided under

1 this article at the same level and to the same extent as
2 students graduating from eligible high schools.

3

4 (iv) Criteria and procedures under which
5 students who receive a general educational development
6 (GED) equivalency diploma can qualify for scholarships
7 under this article. A student receiving a GED shall:

8

9 (A) Receive the GED and make application for
10 the initial scholarship no later than two (2) years after
11 and no sooner than the graduation date of the student's
12 high school class, unless ordered by a court to complete
13 the requirements for a GED prior to that graduation date;

14

15 (B) Meet the initial eligibility
16 requirements of this article other than attendance and
17 graduation from an eligible high school and corresponding
18 GPA requirements;

19

20 (C) If otherwise eligible, be eligible for
21 a scholarship as follows:

22

23 (I) With a minimum GED score of 500, a
24 scholarship at same level and to the same extent as

1 scholarships under W.S. 21-16-1304(a)(i) and 21-16-
2 1305(a)(i);

3

4 (II) With a minimum GED score of 575,
5 a scholarship at same level and to the same extent as
6 scholarships under W.S. 21-16-1304(a)(ii).

7

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

10

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

1

2 (i) A report prepared as of the end of the fall
3 semester and again as of the end of the spring semester or
4 equivalent periods of time during each academic year
5 relative to the rate of retention of program participants;

6

7 (ii) Scholarships by students as they progress
8 from semester to semester or other equivalent periods of
9 time as may be applicable once enrolled at an eligible
10 institution. The data shall be reported by institution
11 attended, by the instructional program, and by program
12 award category and shall include the percent of students
13 losing program eligibility due to not earning the minimum
14 number of credit hours, the percent of students losing
15 program eligibility due to not having the required
16 cumulative grade point average, the percent of students
17 losing program eligibility for failing to make satisfactory
18 academic progress and the percentage of students losing
19 program eligibility for failing to enroll;

20

21 (iii) The persistence rates at the eligible
22 institutions of freshmen, sophomore, junior and senior
23 students receiving a scholarship reported by scholarship
24 category and by award year;

1

2 (iv) The graduation rates or rates of completion
3 of the chosen postsecondary education program if otherwise
4 applicable for students receiving a scholarship reported by
5 scholarship category and award year, including for those
6 graduating with an academic degree at the baccalaureate
7 level the rate for persons graduating within four (4)
8 years, within five (5) years and within six (6) years,
9 respectively;

10

11 (v) The mean length of time required for a
12 student receiving a scholarship under this article to
13 graduate with a degree or to complete the certificate
14 program with such information being reported by scholarship
15 category and by award year;

16

17 (vi) An annual report on the number of
18 applicants as well as the percent of high school graduates
19 by high school district who apply for a scholarship by
20 scholarship category, and the percent of those students who
21 are awarded a scholarship and subsequently enroll in an
22 eligible institution;

23

1 (vii) Statistical studies on the relationship
2 between the courses taken and grades earned by a high
3 school student and the student's score on the ACT or
4 WORKKEYS test. Relative to public high schools, such
5 statistical studies shall use student course and grade data
6 that is otherwise available from the schools and such
7 studies shall be conducted at no additional cost to the
8 governing authority of any public high school;

9
10 (viii) Statistical studies on the relationship
11 between the courses taken and the grades earned in high
12 school and the student's college or university GPA.

13
14 (d) The annual report by the department shall be
15 submitted to the governor and the legislature in accordance
16 with W.S. 9-2-1014.

17 ***** STAFF COMMENTS *****

18 **The reference to 9-2-1014 is to the agency**
19 **strategic planning process, it provides for**
20 **submission to each legislator, the state library,**
21 **LSO and others.**

22
23 (e) The department may conduct an audit of any
24 eligible institution participating in the scholarship
25 program under this article to determine compliance with any
26 provision of this article.

1

2

21-16-1309. Scholarship amounts.

3

4

(a) To the extent a scholarship under this article would, when combined with any non-need based scholarship from a student financial aid program administered through the state or any state institution, in any semester exceed the cost of attendance at the eligible institution, the scholarship under this article shall be reduced by the amount necessary to not exceed that cost of attendance.

10

11

***** STAFF COMMENTS *****

12

This is intended to make the Hathaway scholarship a "last dollar" merit scholarship.

13

14

15

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

17

18

19

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

22

23

24

(ii) Funds available for scholarships under W.S. 21-16-1306 shall be used for scholarships under W.S. 21-16-

25

1 1304 and 21-16-1305 after all scholarships under 21-16-1306
2 have been paid;

3

4 (iii) If no funds remain available in the
5 expenditure account at the time payment is required to be
6 made to an institution for any semester, the payment to the
7 eligible institutions shall be reduced on a first come
8 first served basis using the student's application date for
9 the scholarship.

10

***** STAFF COMMENTS *****

11

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The above allows the merit "pot of funds" to be used for merit/need and vice versa, but only if money remains after funding all merit scholarships with the 80% pot and funding all merit/need scholarships with 20% pot. If no funds remain when payment is due and scholarships are unfunded, the institutions would be assuming the shortfall, absent legislative appropriation.

20

21-16-1310. Legislative oversight and authority.

21

22

23

24

25

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28

Nothing in this article shall be construed to constitute an entitlement to a scholarship established and funded by the legislature. Wyoming Hathaway scholarships shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

28

1 **Section 2.** W.S. 21-4-501 by creating a new subsection
2 (d) and 21-16-1201(d) are amended to read:

3

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

9

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

15

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

19

20 (d) Earnings from the Hathaway student scholarship
21 endowment account created by this article shall be
22 transferred annually by the state treasurer as soon after
23 the end of each fiscal year as is reasonable to the
24 Hathaway scholarship expenditure account created by W.S.

1 21-16-1302. Any subsequent deposits to ~~this~~ the Hathaway
2 student scholarship endowment account mandated by law or
3 appropriation shall remain in the account until otherwise
4 used to support scholarship programs as specified by law.

5
6 **Section 3.**

7
8 (a) One hundred thousand dollars (\$100,000.00) is
9 appropriated from the general fund to the department of
10 education for purposes of this act.

11 ***** STAFF COMMENTS *****

12 The amount is a placeholder only. It would fund
13 two positions at salaries of about \$35K/year.
14 The cost of the reports, rulemaking and other
15 duties would be additional costs.
16
17

18 (b) The department of education is authorized two (2)
19 full-time positions to administer this act. These
20 positions shall be funded from amounts appropriated under
21 subsection (a) of this section.

22
23 **Section 4.** This act is effective immediately upon
24 completion of all acts necessary for a bill to become law
25 as provided by Article 4, Section 8 of the Wyoming
26 Constitution.

27

1

(END)