

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, school districts, the state treasurer and state
8 auditor; delegating rulemaking authority; defining terms;
9 imposing reporting requirements; providing an appropriation
10 to the excellence in higher education endowment account;
11 providing other appropriations and providing for a
12 continuous appropriation; authorizing positions; and
13 providing for an effective date.

14

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

1

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

4

5

ARTICLE 13

6

HATHAWAY SCHOLARSHIP PROGRAM

7

8

21-16-1301. Definitions.

9

10 (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 (iii) "Expenditure account" means the Hathaway
2 scholarship expenditure account established under W.S.
3 21-16-1302;

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

8
9 (v) "Certificate" means a credential other than
10 a degree as defined in paragraph (vi) of this subsection. A
11 "certificate" is either an associate of applied science
12 degree or indicates satisfactory completion of training in
13 an academic year program of study offered by a Wyoming
14 community college;

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

18
19 (vii) "Department" means the Wyoming department
20 of education;

21
22 (viii) "Eligible high school" means a public or
23 private secondary school that is located in Wyoming and is
24 accredited by the department;

1

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

4

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

7

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

10

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

14

15 (xiii) "Satisfactory academic progress" means
16 completing at least six (6) semester hours per semester and
17 meeting such other criteria as established by the eligible
18 institution to ensure the student earns his degree or
19 certificate in a timely manner;

20

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

23

1 (xiv) "Semester hour" means each nonremedial
2 semester hour attempted for credit toward a degree or
3 certificate, excluding any semester hour attempted before
4 earning a high school diploma or a general educational
5 development (GED) equivalency diploma;

6

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

9

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

20

21 (xvii) "WORKKEYS SCORE" means qualifying scores
22 on the WORKKEYS job skills assessment test. In the event
23 the WORKKEYS job skills assessment test is superseded,
24 becomes too expensive to administer or goes out of general

1 use, the department shall specify by rule and regulation a
2 replacement test to be used.

3

4 **21-16-1302. Hathaway scholarship expenditure account**
5 **created; use and appropriation of funds.**

6

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

24

1 **21-16-1303. Hathaway scholarship program; eligibility**
2 **requirements.**

3

4 (a) There is created the Hathaway scholarship program
5 for Wyoming students.

6

7 (b) Under the Hathaway scholarship program, subject
8 to availability of funds as determined by the legislature,
9 the state shall provide a scholarship pursuant to W.S.
10 21-16-1304 and 21-16-1305 to any student who has been
11 accepted by and enrolls in an eligible institution to
12 pursue a degree or certificate, and who meets the following
13 qualifications:

14

15 (i) The student has demonstrated Wyoming
16 residency as determined by the eligible institution at
17 which the student is enrolled;

18

19 (ii) The student has successfully completed a
20 curriculum and meets standards for admission to the
21 eligible institution. Until success curricula requirements
22 are established pursuant to W.S. 21-16-1307, the curriculum
23 requirement of this paragraph shall be that applicable for
24 assured admission to the University of Wyoming. For first-

1 time students who enroll in an eligible institution in the
2 fall of 2011, and thereafter, curriculum requirements for
3 a scholarship under this article shall be as established
4 pursuant to W.S. 21-16-1307; and

5

6 (iii) The student has:

7

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

11

12 (B) Applied for a scholarship under this
13 article within two (2) years of the date of high school
14 graduation, or is otherwise eligible under rules
15 promulgated pursuant to W.S. 21-16-1308(b)(iii) and (iv).
16 The department shall by rule and regulation establish
17 exceptions to the requirement of this subparagraph for
18 military service, religious service and other good cause
19 shown; and

20

21 (C) The minimum high school cumulative
22 grade point average and minimum composite ACT or cumulative
23 WORKKEYS score specified under this article for the type of
24 scholarship to be awarded.

1

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

15

16 (d) No student shall be eligible for a scholarship
17 under this article for more than the equivalent of eight
18 (8) full-time semesters. No student shall be eligible for
19 a scholarship under this article for any semesters
20 commencing after six (6) academic years following the
21 student's initial eligibility. For purposes of this
22 subsection a student's initial eligibility shall be deemed
23 to commence with the first semester in which the state is
24 obligated to reimburse an eligible institution for the

1 student's scholarship under this article. The department
2 shall by rule and regulation establish exceptions to this
3 subsection for military service, religious service and
4 other good cause shown.

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

6 The above implements the Megeath amendment.
7 Because of other amendments adopted the exact
8 language was changed. The effect is that once a
9 student receives a Hathaway scholarship, he can
10 receive a scholarship only for a maximum of six
11 years. Also no Hathaway scholarship can be
12 received for more than the equivalent of 8 full-
13 time (12 or more hours) semesters.
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

23 (ii) Has not complied with United States
24 selective service system requirements for registration, if
25 the requirements are applicable to the student;

26

27 (iii) Is in default on a federal Title IV
28 education loan. Nothing in this paragraph prohibits a

1 student who is otherwise eligible for a scholarship under
2 this article and has fully repaid a defaulted loan or is no
3 longer in default, from receiving a scholarship for future
4 academic semesters;

5

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

14

15 (v) Is incarcerated; or

16

17 (vi) Does not otherwise qualify under this
18 article for a scholarship.

19

20 **21-16-1304. Hathaway opportunity, performance and**
21 **honor scholarships.**

22

1 (a) Any student who meets the criteria under W.S.
2 21-16-1303 is eligible to receive a scholarship to pursue a
3 degree or certificate as follows:

4
5 (i) With a minimum cumulative high school GPA of
6 2.50 and a composite ACT score of at least seventeen (17),
7 a Hathaway opportunity scholarship for:

8
9 (A) One thousand dollars (\$1,000.00) per
10 semester at an eligible institution if enrolled for twelve
11 (12) or more semester hours;

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

19
20 (ii) With a minimum cumulative high school GPA of
21 3.0 and a composite ACT score of at least twenty-one (21),
22 a Hathaway performance scholarship for:

23

1 (A) One thousand five hundred dollars
2 (\$1,500.00) per semester at an eligible institution if
3 enrolled for twelve (12) or more semester hours;

4

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

11

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

15

16 (A) Two thousand dollars (\$2,000.00) per
17 semester at an eligible institution if enrolled for twelve
18 (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 an eligible institution for at least six (6) and less than
2 twelve (12) semester hours.

3

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

6 A scholarship under this section shall be available for
7 attendance at a Wyoming community college for not more than
8 the initial four (4) semesters of eligibility.

9

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

12

13 (i) Make satisfactory academic progress toward a
14 degree. If a student fails to maintain the cumulative
15 grade point average required for continuation in the
16 program as provided in this subsection, the student shall
17 become ineligible for the scholarship in subsequent
18 semesters unless granted an exception for cause by the
19 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 of the
23 applicable scholarship under paragraph (iii) of this
24 subsection, provided that neither the applicable maximum

1 number of full-time equivalent semesters nor the maximum
2 scholarship eligibility time period specified under
3 subsection (a) of this section, including semesters for
4 which a scholarship was not received, has been reached;

5

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

12

13 (iii) Maintain a cumulative grade point average
14 as evaluated at the end of each academic year as follows:

15

16 (A) For Hathaway opportunity scholarships,
17 at least a 2.25 GPA;

18

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

21

22 (d) A student receiving a Hathaway honor scholarship
23 or a Hathaway performance scholarship who fails to meet the
24 GPA requirements of subsection (c) of this section

1 necessary to maintain that scholarship may be awarded a
2 Hathaway opportunity scholarship for attendance at an
3 appropriate eligible institution if he meets the
4 requirements necessary to maintain that scholarship.

5

6 **21-16-1305. Hathaway career scholarships.**

7

8 (a) Any student who meets the criteria under W.S.
9 21-16-1303 is eligible to receive a Hathaway career
10 scholarship to pursue a certificate as follows:

11

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

17

18 (A) One thousand dollars (\$1,000.00) per
19 semester at a Wyoming community college if enrolled for
20 twelve (12) or more semester hours;

21

22 (B) The amount provided under subparagraph
23 (A) of this paragraph times a fraction, the numerator of
24 which is the number of hours for which the student is

1 enrolled and the denominator is twelve (12), if enrolled at
2 a Wyoming community college for at least six (6) and less
3 than twelve (12) semester hours.

4

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

8

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

20

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

23

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

15

16 (ii) Maintain continuous enrollment for not less
17 than two (2) semesters in each successive academic year.
18 The department shall by rule and regulation establish
19 exceptions to the requirement of this paragraph for
20 military service, religious service and other good cause
21 shown; and

22

23 (iii) Maintain a cumulative grade point average
24 of at least 2.25 GPA, as evaluated at the end of each

1 academic year for certificates that require more than one
2 (1) academic year.

3

4 **21-16-1306. Need based scholarships.**

5

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

9

10 (i) The scholarship shall be available only to
11 students qualifying for a scholarship under W.S. 21-16-1304
12 or 21-16-1305 and for federal financial aid. The
13 scholarships under this section shall be computed and
14 awarded as follows:

15

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

19

20 (B) If the student has annual unmet
21 financial need greater than two thousand dollars
22 (\$2,000.00):

23

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

7
8 (II) If a student is eligible for a
9 scholarship under this article but does not qualify under
10 subdivision (I) of this subparagraph - an award equal to
11 twenty-five percent (25%) of the annual unmet financial
12 need in excess of two thousand dollars (\$2,000.00), but not
13 to exceed seven hundred fifty dollars (\$750.00) per
14 semester.

15
16 (C) A student qualifying for any award
17 under this section shall receive a minimum amount of one
18 hundred dollars (\$100.00) for each semester of
19 qualification. One-half (1/2) of the annual award amount
20 under this section shall be provided to the student at each
21 semester of qualification.

22 ***** STAFF COMMENTS *****
23 **The above implements the numerous amendments**
24 **adopted by the Committee. The floor to qualify**
25 **for any need based award is qualification for a**
26 **merit scholarship and annual unmet need over**

1 \$2,000. If that floor is met, the student will
2 receive at least \$100 per semester. The need
3 based ceiling for students receiving the highest
4 level merit scholarship is total unmet need over
5 \$2,000. For all other students, the need based
6 ceiling is the lesser of \$750 per semester or 25%
7 of annual unmet need over \$2,000. The last
8 sentence was added to clarify that while the
9 award is calculated on an annual amount basis,
10 only one-half of the annual award is provided
11 each semester.
12

13 (b) The department shall provide scholarships under
14 this section from funds made available under W.S. 21-16-
15 1302. All requirements for scholarship recipients
16 applicable under this article shall be applicable to
17 scholarships under this section.
18

19 **21-16-1307. Success curriculum; test standards.**
20

21 (a) Not later than October 1, 2006, the department
22 shall recommend to the governor and the joint education
23 interim committee of the legislature, in consultation with
24 the University of Wyoming, each Wyoming community college
25 and the Wyoming community college commission:
26

27 (i) The contents of an appropriate success
28 curriculum for Hathaway opportunity, performance and honor
29 scholarship students and, in consultation with each

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

12

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

18

19 (iii) The adoption of statewide student
20 assessment standards and scores administered pursuant to
21 W.S. 21-2-304(a) to augment qualifying ACT or WORKKEYS
22 scores for scholarships under this article. The
23 recommended adoption of statewide assessment standards and
24 scores shall be designed to provide incentives for students

1 to pursue a rigorous curriculum and strive to achieve
2 academic success in high school.

3

4 (b) Not later than October 1, 2007, and by October 1
5 in each odd-numbered year thereafter, the department, in
6 consultation with the University of Wyoming, Wyoming
7 community colleges and the community college commission,
8 shall report to the governor and the joint education
9 interim committee of the legislature on recommendations for
10 modifications to the minimum cumulative GPA and minimum
11 composite ACT or cumulative WORKKEYS scores contained in
12 this article to ensure that the Hathaway scholarship
13 program is designed to provide the desired incentives for
14 students to pursue a rigorous curriculum and strive to
15 achieve academic success.

16

17 **21-16-1308. Administration; rules and regulations.**

18

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

22

23 (i) Students shall make application for
24 scholarships under this article with the eligible

1 institution at the time of applying for admission or in any
2 event prior to the beginning of the semester at the
3 eligible institution;

4

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

14

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

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(iv) Each eligible institution receiving an application from a student applying for a Hathaway scholarship shall preliminarily determine the student's eligibility for the scholarship. For students initially applying for a scholarship, unless the student's complete academic record is available, the GPA used to preliminarily determine eligibility shall be based upon the student's official high school transcript after either the end of the first semester of a student's senior year or the second semester of a student's junior year, at the sole discretion of the eligible institution. For students graduating prior to their senior year the GPA used to preliminarily determine eligibility shall be based upon the student's official high school transcript as of the end of the semester immediately prior to the last semester before the student's graduation. High school GPAs for final eligibility determinations for students initially applying for a scholarship under this article shall be based upon the student's complete high school academic record. Upon final determination of scholarship eligibility, each community college shall certify to the community college commission not later than thirty (30) days after the semester commences, a list of students enrolled at the

1 institution who qualify for a scholarship under this
2 article, including the amount of each scholarship. The
3 University shall certify to the state auditor within forty-
4 five (45) days after the semester commences a like list for
5 students enrolled at the University. The director of the
6 community college commission shall verify within ten (10)
7 days after receiving all lists from community colleges that
8 there is no duplication of students on the community
9 college lists and shall certify to the state auditor the
10 amount each college is to receive under this article. Not
11 later than September 1 for the fall semester and not later
12 than January 15 for the spring semester, the state
13 treasurer shall pay from the scholarship expenditure
14 account an amount equal to seventy-five percent (75%) of
15 the total amount the eligible institution received during
16 the preceding semester under this subsection. The state
17 treasurer shall pay from the scholarship expenditure
18 account the balance of the amount due each community
19 college according to warrants drawn by the state auditor
20 upon vouchers issued and signed by the director of the
21 commission and shall pay from the scholarship expenditure
22 account the balance of the amount due the University
23 according to warrants drawn by the state auditor upon
24 vouchers issued and signed by the chief financial officer

1 of the University. Payments of the balance due under this
2 paragraph shall be made not later than seventy-five (75)
3 days after the institution's semester has commenced.
4 Should a prepayment under this paragraph exceed the amount
5 actually due the institution for any semester, the excess
6 amount shall be deducted from the next payment made. For
7 purposes of this subsection, payments due for summer
8 semesters shall be included within the calculations and
9 payments for the subsequent fall semester.

10

11 (b) The department shall, in consultation with
12 University of Wyoming and community college admissions
13 officers and financial aid officers, promulgate rules and
14 regulations necessary to implement this article, including:

15

16 (i) A means for informing all students and their
17 parents or guardians of the availability of the
18 scholarships under this article in sufficient time to
19 enable the student to plan for and complete the success
20 curriculum. The means shall at a minimum include:

21

22 (A) A requirement that each written
23 communication from a school district to a parent or
24 guardian of a student include on any envelope used, or on

1 the communication if no separate envelope is used, a
2 statement that the State of Wyoming provides Hathaway merit
3 and need scholarships to Wyoming students attending the
4 University of Wyoming and Wyoming community colleges and
5 that every Wyoming student who meets the merit requirements
6 can earn a Hathaway merit scholarship;

7

8 (B) A summary of available Hathaway
9 scholarships and requirements to earn a scholarship. The
10 summary shall be made available on the department's website
11 on the Internet, the World Wide Web or similar proprietary
12 or common carrier electronic system;

13

14 (C) Provision for each school district to
15 provide a nine (9) week class of instruction in the seventh
16 grade regarding preparation for post-secondary work,
17 including an overview of a curriculum needed to be
18 successful in post-secondary education, standardized test
19 requirements, scholarships available for post-secondary
20 education and earning differences anticipated at various
21 post-secondary education levels.

22

1 (ii) Applications, forms, financial and program
2 audit procedures, eligibility and other matters related to
3 efficient operation;

4

5 (iii) Criteria and procedures under which
6 students in a home-based educational program can qualify
7 for scholarships under this article. A student in a home-
8 based educational program:

9

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

12

13 (B) Shall meet the initial eligibility
14 requirements of this article other than attendance and
15 graduation from an eligible high school and corresponding
16 GPA requirements;

17

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

23

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

5
6 (A) Receive the GED and make application for
7 the initial scholarship no later than two (2) years after
8 and no sooner than the graduation date of the student's
9 high school class, unless ordered by a court to complete
10 the requirements for a GED prior to that graduation date or
11 for other good cause shown as determined by the department;

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

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

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

24

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

4
5 (III) With a minimum GED score of 575,
6 a scholarship at same level and to the same extent as a
7 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 as of the end of the fall
5 semester and again as of the end of the spring semester or
6 equivalent periods of time during each academic year
7 relative to the rate of retention of program participants;

8

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

23

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

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

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

20
21 (vi) An annual report on the number of
22 applicants as well as the percent of high school graduates
23 by high school district who apply for a scholarship by
24 scholarship category, and the percent of those students who

1 are awarded a scholarship and subsequently enroll in an
2 eligible institution;

3

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

12

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

16

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

20

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

1

2 **21-16-1309. Scholarship amounts.**

3

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

11

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

15

16 (i) Funds available for scholarships under W.S.
17 21-16-1304 and 21-16-1305 shall be used for scholarships
18 under W.S. 21-16-1306 after all scholarships under 21-16-
19 1304 and 21-16-1305 have been paid;

20

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

1

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

8

9 **21-16-1310. Legislative oversight and authority.**

10

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

17

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

20

21 **21-4-501. Payment of tuition for children resident in**
22 **districts which maintain no high school; admission of**
23 **children to high schools in other districts; state board**

1 approval for out-of-state placements; duties of admitting
2 districts; tuition amount.

3

4 (d) Any out-of-state placement under subsection (a)
5 of this section shall include within the agreement with the
6 out-of-state school district, that district's agreement to
7 provide student transcripts as required under W.S. 21-16-
8 1308(a)(ii).

9

10 21-16-1201. Excellence in higher education endowment
11 account; student scholarship endowment account;
12 distributions by state treasurer; legislative restrictions.

13

14 (d) Earnings from the Hathaway student scholarship
15 endowment account created by this article shall be
16 transferred annually by the state treasurer as soon after
17 the end of each fiscal year as is reasonable to the
18 Hathaway scholarship expenditure account created by W.S.
19 21-16-1302. Any subsequent deposits to ~~this~~ the Hathaway
20 student scholarship endowment account mandated by law or
21 appropriation shall remain in the account until otherwise
22 used to support scholarship programs as specified by law.

23

1 **Section 3.** The legislature recognizes that eligible
2 institutions will have made substantial scholarship
3 commitments to students who plan to enroll for the fall of
4 2007 school year by the time this act is enacted into law.
5 It is the intent of the legislature that to the extent that
6 these institutional scholarship commitments are sufficient
7 to cover tuition, mandatory fees and books, a scholarship
8 under this article will supplant and not be an addition to
9 those institutional scholarships.

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 current
18 biennium contrasted with the biennium ending June 30, 2006.
19 The report shall show how any funds supplanted by Hathaway
20 scholarships have been reprogrammed for other scholarship
21 and student financial aid programs or have been rebudgeted
22 for other purposes and the plans for such funds for the
23 coming biennium. The reports shall be due December 1 of
24 each odd numbered year.

1 ***** STAFF COMMENTS *****

2 The above was inserted from Senator Scott's
3 adopted amendment. Since it was not clearly the
4 intent of the Committee, no changes were made by
5 staff to adjust any dates in light of the new
6 implementation date of the program to the fall of
7 2007. The Committee might wish to discuss the
8 timing of these reports.

9

10 **Section 5.** Notwithstanding W.S. 21-16-1308(a)(iv)
11 created by this act, the state treasurer shall make
12 prepayments under this act to eligible institutions in
13 accordance with this section for the school years
14 commencing in the fall of 2007, 2008, 2009 and 2010. For
15 each of those school years the state treasurer, in
16 consultation with the University of Wyoming, the Wyoming
17 community college commission and the department of
18 education, shall project the anticipated payments due each
19 eligible institution under this act. For the fall
20 semesters of each of those school years the state
21 treasurer, not later than September 1 of each year, shall
22 pay each institution seventy-five percent (75%) of the
23 anticipated payment due for that semester. The same
24 prepayment shall be made for the following spring semester
25 not later than January 15. Payments of the balance due
26 the institution shall be made in accordance with W.S. 21-
27 16-1308(a)(iv). Should a prepayment under this section
28 exceed the amount actually due the institution under this

1 act for any semester, the excess amount shall be deducted
2 from the next payment made.

3

4 *** STAFF COMMENTS ***

5 This was inserted based upon the Committee's
6 adoption of the UW proposal to have a hard dollar
7 amount prepaid with the "ramp-up" of the program,
8 since the 75% of the previous semester's payments
9 won't reflect the growth in the program. Since
10 we won't know how many students will be attending
11 each institution and qualifying for the various
12 scholarships and because the hard dollar amount
13 would have to be adjusted as the various
14 eligibility criteria and scholarship amounts are
15 changed with amendments to the bill, the above
16 general language was used rather than a hard
17 dollar amount. It is anticipated that the
18 projections initially will be based upon the same
19 information being supplied the legislature in
20 formulating the program (i.e., the UW cost model
21 as refined). Since the spring semester should
22 generally be close to the prior fall semester,
23 the same number is used for prepayment rather
24 than expending resources on another calculation.
25 All of these prepayments are "trued up" later in
26 the semester, or if an overpayment is made, in
27 the following semester.

28

29 **Section 6.** The scholarships provided under this act
30 shall begin for students graduating from an eligible high
31 school or a home-based educational program or receiving a
32 GED after April 1, 2006 and shall be provided beginning
33 with the fall semester 2007, provided that sufficient funds
34 have been appropriated for the first two (2) years of the
35 operation of the program and provided that appropriations
36 made to the Hathaway student scholarship endowment account

1 but not yet deposited in the endowment account plus amounts
2 deposited in the account total at least two hundred million
3 dollars (\$200,000,000.00). If these amounts do not total
4 at least two hundred million dollars (\$200,000,000.00) by
5 July 1, 2007 then the program shall begin with scholarships
6 at one-half (1/2) of the amount specified in this act for
7 the fall semester of the year in which the amounts
8 deposited in the Hathaway student scholarship endowment
9 account reach two hundred million dollars (\$200,000,000.00)
10 by July 1 and the scholarships shall increase to the full
11 amount specified in this act for the semester following the
12 July 1 on which the amounts deposited in the endowment
13 account reach four hundred million dollars
14 (\$400,000,000.00).

15 ***** STAFF COMMENTS *****

16 The above was adopted by the Committee as an
17 amendment at the last meeting. Staff was
18 instructed to change the amendment to reflect one
19 year's funding, but in doing so it appeared the
20 language might be somewhat ambiguous. The first
21 sentence speaks to the program commencing when
22 "sufficient funds" have been appropriated for two
23 years of operations and there is \$200 million
24 appropriated to or flowing into the endowment
25 account. But the second sentence scales back the
26 program based only upon the endowment account
27 amounts. That sentence does not require \$200
28 million in (or to be deposited in) the endowment
29 account, it states that if there is not \$200
30 million then the scholarships will be at 50% to
31 start. Therefore it appears that "sufficient
32 funds" would be those necessary to fund the
33 program for 2 years at 50% scholarship levels, if

1 there is less than \$200 million in the endowment
2 account, but that is not completely clear. With
3 the Committee's amendment to start the program in
4 the fall of 2007, but to apply it to those
5 graduating in the spring of 2006, there also
6 should be discussion regarding the effect of the
7 extra year's students in that first year (and
8 carrying on through) on the concept of
9 "sufficient funds" being appropriated. The
10 Committee also discussed a possible reserve
11 account for the program. Depending upon how that
12 reserve account is structured, funded and used,
13 this language may also need to be considered for
14 amendment in light of a reserve account.
15

16 Section 7.

17

18 (a) One hundred thousand dollars (\$100,000.00) is
19 appropriated from the general fund to the department of
20 education to carry out the duties of the department under
21 this act. The department of education is authorized two
22 (2) full-time positions to administer this act. These
23 positions shall be funded from amounts appropriated under
24 this subsection. This appropriation and authorized
25 positions shall be effective immediately upon the effective
26 date of this act.

27

28 (b) XXX million dollars is appropriated from the
29 general fund to the Hathaway scholarship expenditure
30 account for the fiscal year beginning July 1, 2007. This
31 appropriation shall be effective July 1, 2007.

1

2 (c) Two hundred million dollars (\$200,000,000.00) is
3 appropriated from the general fund to the Hathaway student
4 scholarship endowment account created by W.S. 21-16-
5 1201(b). This appropriation shall be effective immediately
6 upon the effective date of this act.

7

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

8 **These general fund appropriations might need to**
9 **be switched to budget reserve account**
10 **appropriations depending on revenues received and**
11 **appropriations made to and from the general fund.**

12

13

14 (d) Fifty-two million five hundred thousand dollars
15 (\$52,500,000.00) is appropriated from the general fund to
16 the excellence in higher education endowment account
17 created by W.S. 21-16-1201(a). This appropriation shall be
18 effective immediately upon the effective date of this act.

19

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

24

25

(END)