



Wyoming Department of Education

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MEMORANDUM 2007 – 031

TO: School District Superintendents

FROM: Mary Kay Hill, Director
Administration Unit *MKH*

DATE: January 26, 2007

SUBJECT: Chapter 38 Rules Governing the Hathaway Scholarship Program

FOR YOUR INFORMATION

Attached you will find Final Rules for Chapter 38 – Hathaway Scholarship Program along with the signed certification page.

If you have any questions or need more information, please contact Jennifer Duncan at (307) 777-6213.

Thank you.

MKH: jd

Enclosures

Appendix A

CERTIFICATION PAGE FOR RULES

Adoption Date: November 6, 2006

To guarantee review by the Secretary of State within the 75 day deadline, this package must be submitted to the Secretary of State by: January 19, 2007

GENERAL INFORMATION:

1. Agency: Wyoming Department of Education
Address: 2300 Capitol Avenue
2nd Floor, Hathaway Building
Cheyenne, WY 82002-0500
Agency Contact Person for these Rules: Jennifer Duncan
Work Telephone: (307) 777-6213
2. Are these new rules? ("new" – means the first set of regular rules to be promulgated by this agency after the Legislature adopted a new statutory provision or significantly amended an existing statute) Yes No
3. Chapter # and name of rules being created, amended or repealed: Chapter 38, Hathaway Scholarship Program.
4. Does this rule replace an existing rule? Yes No If yes, which chapter(s)? _____

NOTICE OF INTENDED RULEMAKING TO AG, LSO AND SECRETARY OF STATE

5. Notice of intended rulemaking containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State on: September 1, 2006.
6. Notice of intended rulemaking and proposed rules in strike and underscore format were provided to the Legislative Service Office and courtesy copies of the notice and proposed rules were provided to the Attorney General and the Governor on: September 1, 2006 .

PUBLIC NOTICE OF INTENDED RULEMAKING:

7. Yes No (If applicable) Notice was mailed 45 days in advance to all persons who make a timely request for advance notice.

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January 26, 2007
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STATE OF WYOMING
Office of the Secretary
Filed the 29th day of December
2006 at 4:20 P M.
Joseph B. Meyer
Secretary of State

8. Yes No A public hearing was held on the proposed rules on: _____.

FINAL FILING FOR RULES:

9. Yes No A Disk with an exact copy of the attached rules is attached or the electronic copy was sent via electronic mail to the Secretary of State on November 7, 2006.

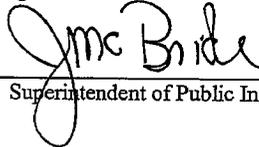
10. Final rules with original signatures were sent to the Attorney General's office for the Governor's signature on November 6, 2006.

11. Final rules were sent to the Legislative Service Office on November 7, 2006.

CERTIFICATION BY AGENCY:

The undersigned certifies that the foregoing information is correct.

Date: November 6, 2006



Superintendent of Public Instruction

GOVERNOR'S CERTIFICATION

I have reviewed these rules and determined that they:

- (1) are within the scope of the statutory authority delegated to the adopting agency; and
- (2) appear to be within the scope of the legislative purpose of the statutory authority.

Therefore, I approve the same.

12/29/06

Date Approved



Governor

CHAPTER 38

Wyoming Department of Education Rules for the Hathaway Scholarship Program

Section 1. **Authority.**

These rules are promulgated by the Wyoming Department of Education pursuant to W.S. 21-16-1301 through W.S. 21-16-1310.

Section 2. **Applicability.**

(a) Hathaway Scholarships are scholarships designed to provide an incentive for Wyoming students to prepare for and pursue postsecondary education within the State of Wyoming. The program consists of four separate merit scholarships, each with specific eligibility requirements, and a Need-Based Scholarship for eligible students which supplement the merit awards.

(b) These rules define the scholarships made available by the Hathaway Scholarship Program and set forth the requirements students must meet and maintain to be eligible for these awards. This scholarship program begins with the graduating class of 2006. Any future requirements will be set forth in rules promulgated by the Wyoming Department of Education with input from interested stakeholders.

(c) These rules describe the multiple scholarships and their eligibility requirements, establish timeframes for application and notification of scholarship award and payment to eligible institutions, set forth procedures to monitor the performance of scholarship recipients, and provide for data gathering. These rules become effective when filed with the Secretary of State.

(d) Hathaway Scholarships are not entitlements, and are subject to legislative appropriation. The Legislature has the authority to modify or terminate the Hathaway Scholarship Program at any time.

Section 3. **Definitions.**

(a) "Academic semester/term" means the fall semester/term or the spring semester/term. As used for these rules, "term" and "semester" have the same meaning, except for a summer semester which counts toward maximum terms but not toward computation of academic year.

(b) "Academic year" means two consecutive semesters or terms. It is the period of time a full-time student is expected to complete the equivalent of at least two semesters of academic work. A summer semester does not count toward computation of an academic year.

(c) "ACT score" is the composite score on the American College Test (ACT) or equivalent score on the Scholastic Aptitude Test (SAT), as determined by the conversion tables developed by the College Board.

(d) "Application" means the application process of the eligible institution that includes the components required to determine eligibility for Hathaway Scholarships.

(e) "Award" means the monetary commitment made to a student applicant for financial aid under the Hathaway Scholarship Program, contingent upon the availability of funds and the student's eligibility. Awards are paid on behalf of a student to an eligible institution.

(f) "Certificate" is a credential other than a degree, as defined in these rules. It is either an associate of applied science degree or a certification of satisfactory completion of training in an academic program of study offered by a Wyoming community college.

(g) "Commission" means the Wyoming Community College Commission.

(h) "Cost of attendance (COA)" is the total amount required for a student to attend an eligible institution for a full academic year and includes the sum of tuition and fees, room and board, books and supplies, transportation, and personal expenses. The COA is determined annually by each institution in accordance with W.S. 21-16-1306(b).

(i) "Cumulative GPA", when used in the context of postsecondary grades, is calculated at the end of the spring semester by the eligible institution and is used to ascertain continuing eligibility for Hathaway Scholarships recipients. It must include grades from all non-remedial academic courses from all eligible institutions attended by the student after initiation of any Hathaway Scholarship. Cumulative GPA will not include grades from courses taken prior to initial scholarship eligibility.

(j) "Degree" means a baccalaureate or an associate degree other than a certificate.

(k) "Department" means the Wyoming Department of Education.

(l) "Eighth grade unit of study" means the unit of instruction that will be made available to eighth grade students beginning with school year 2006-07 that provides an overview of the curriculum needed to prepare them for postsecondary work, scholarship availability, standardized test requirements, and the effect of education on earnings potential.

(m) "Eligible high school" means a public or private secondary school located in Wyoming and accredited or licensed by the Department, those high schools defined in W.S. 21-4-501, and high schools exempt under W. S. 21-2-406.

(n) "Eligible institution" means the University of Wyoming or a Wyoming community college.

(o) "Equivalent of a full-time semester" means twelve or more semester hours of academic study undertaken in one semester or term, excluding remedial academic courses.

(p) "Free application for federal student aid (FAFSA)" means the United States Department of Education's annual application for determining student eligibility for federal and state financial aid.

(q) "Full-time semester" means the equivalent of a full time semester as defined in these rules.

(r) "Full-time student" means an undergraduate student who is enrolled in at least twelve semester hours of academic study in each semester in an eligible institution, excluding remedial academic courses.

(s) "General educational development (GED) test" is the standardized test developed by the American Council on Education that provides an alternative option for obtaining a high school diploma.

(t) "Good cause" means the existence of unusual, extraordinary, or mitigating circumstances which may affect a student's ability to meet expectations. Exceptions for good cause will be made on a case-by-case basis and may include, but are not limited to, circumstances such as:

- (i) Personal accident, illness, tragedy, or separation/divorce;
- (ii) Death or tragedy in the immediate family;
- (iii) Geographic transfer or change in hours or conditions of employment.

(u) "Grade point average (GPA)," when used in the context of high school grades, means the numbered grade average calculated using a 4.0 scale. In high school, it must include all credit courses taken by the student at all eligible high schools, but does not include courses taken by the student from an eligible postsecondary institution while still enrolled in high school unless that class counts toward high school graduation.

(v) "High school graduating class" includes students completing their high school courses of study anytime during the year certified by the high school as their year of graduation.

(w) "Incarcerated" means confinement in a jail or a penal institution, as defined in W.S. 7-13-401(a)(vi) or similar institutions in another state.

(x) "Institutional scholarships," for purposes of these rules, mean academic merit scholarship awards administered by eligible institutions which are funded from state sources, including discounts.

(y) "Initial eligibility" commences with the first semester in which the state is obligated to reimburse an eligible institution for a student's scholarship.

(z) "Institution," as used in these rules, means an eligible institution, specifically the University of Wyoming or a Wyoming community college.

(aa) "Part-time student" means an undergraduate student who is enrolled for at least six but less than twelve semester hours of academic study in each semester in a postsecondary institution, excluding remedial academic courses.

(bb) "Persistence rate" in these rules means for each cohort of students receiving Hathaway Scholarships in a given fall or spring term, that proportion continuing to receive Hathaway Scholarships the following fall term at any eligible institution.

(cc) "Postsecondary institution" means a college or university accredited by an agency approved by the United States Department of Education which offers education beyond the traditional K-12 public school system.

(dd) "Provisional eligibility" means the determination by an eligible institution that an applicant for a Hathaway Scholarship meets preliminary scholarship requirements. Scholarship awards will not be finalized until final determination has been made using the student's complete records.

(ee) "Retention rate" is meant to measure the rate of continuous enrollment of a cohort of students from one semester to the next.

(ff) "Remedial course" is a course defined by the eligible institution as necessary for a student to acquire the basic skills or knowledge to perform successfully in college-level courses.

(gg) "Residual ACT" means the test administered by an ACT-participating college or university to its applicant students unable to take the test on a national test date. Results are reported only to the postsecondary institution administering the test.

(hh) "Satisfactory academic progress" requires the student to complete a minimum of six semester hours if enrolled part-time, or at least twelve semester hours if enrolled full-time, excluding any remedial academic courses. It is monitored annually at the end of the spring semester.

(ii) "Semester hour" is each semester hour attempted for credit toward a degree or certificate, excluding remedial academic courses.

(jj) "Success curriculum" means the course of study students must complete to be eligible for Hathaway Scholarship beginning with the high school graduating class of 2011.

(kk) "Summer semester" means the term offered between spring and fall semesters. Attendance during a summer semester counts toward the maximum number of terms for which the student is eligible, but does not count toward computation of an academic year.

(ll) "Unmet financial need" is the cost of attendance (COA) minus the sum of expected family contribution and minus federal, state, local, institutional and private scholarships or grants received by the student. The eligible institution shall annually determine the expected family contribution using the most recent FAFSA guidelines.

(mm) "WorkKeys Job Skills Assessment" means the assessment test that measures skills employers have identified as being critical to job success.

(nn) "WorkKeys score" means the qualifying score on the WorkKeys Job Skills Assessment System test.

Section 4. General Scholarship Eligibility.

(a) The student must have:

(i) Graduated from an eligible high school as defined in these rules; or

(ii) Successfully completed a home-based educational program which meets the curriculum requirements set forth in these rules; or

(iii) Received minimum standard scores on the general educational development (GED) test required by the specific scholarships.

(A) GED students must have received the GED while residing in Wyoming and must have attended an eligible high school prior to receipt of the GED.

(B) The GED must have been taken after April 1, 2006.

(C) GED applicants are considered as graduating with their high school graduating class. They may apply sooner than the graduation date of their high school class if ordered by a court to complete GED requirements earlier. These students may also appeal to the department for early application for other good cause.

(D) Students completing a home-based educational program who also take the GED test will be considered as home-schooled students for purposes of these rules.

(b) Students must meet application timeframes as set forth in Section 14 of these rules.

(c) Scholarship eligibility will not extend beyond the equivalent of eight full-time semesters, or to extend any semesters which commence six academic years after initial eligibility. Other than instances that may occur under Section 13(a)(i) of these rules, initial eligibility begins with the first semester a student receives a scholarship award. Exceptions may be granted to this requirement for:

- (i) Students who enter into active military duty in the U.S. Armed Forces; or
- (ii) Students who enter into a formalized religious service; or
- (iii) Students who demonstrate in writing other good cause to the eligible institution.

(d) Students must have complied with the United States Selective Service System requirements for registration, if applicable.

(e) A student will not be considered eligible for a Hathaway Scholarship under any of the following circumstances:

- (i) The student is in default or owes a refund on a Title IV or other federal or state education loan. If a student initially in default or owing a refund fully pays the debt due, the student may apply for a Hathaway Scholarship for future academic semesters, as long as other requirements are met;
- (ii) The student is not a citizen of the United States or is not a permanent resident alien who meets eligible non-citizen definition under federal Title IV requirements;
- (iii) The student is incarcerated; or
- (iv) The student does not otherwise qualify.

(f) A student must verify under penalty of false swearing the lack of a felony conviction at the time of application for a Hathaway scholarship.

(i) The Department may make exception to applicants convicted of a felony in accordance with Section 12 of these rules if the applicant demonstrates to the department satisfactory completion of all terms and conditions imposed upon them by the court of jurisdiction at the time of Hathaway scholarship application.

(ii) Applicants convicted of a felony who have not been granted an exception to eligibility by the Department cannot receive a Hathaway scholarship.

Section 5. Residency Requirements for Eligibility.

(a) In addition to specific requirements set forth under each individual Hathaway Scholarship description, a student must demonstrate Wyoming residency as determined by the eligible institution.

(b) A student whose custodial parent or legal guardian is in active military service and maintains Wyoming as his/her domicile state is deemed to be a Wyoming resident.

(c) Students who are Wyoming residents but graduates of a high school from another state or high school in another country are eligible for Hathaway scholarships under the following conditions:

(i) The student attended an eligible high school in Wyoming at some point during their high school education;

(ii) The student's custodial parent or legal guardian was a Wyoming resident at the time the student applied for a Hathaway scholarship, as well as a Wyoming resident during the time the student was attending an eligible high school in Wyoming;

(iii) The student's absence from the State was due to the custodial parent's or legal guardian's employment or other conditions beyond the reasonable control of the parent or guardian. Conditions that may be considered beyond the reasonable control of the parent or guardian must be documented and demonstrated in the same fashion as other mitigating circumstances considered good cause as defined in these rules; and

(iv) The student, or the student's parent or legal guardian must not have claimed residency in any other state or foreign country during the time the student was attending high school in the other state or foreign country.

Section 6. Curriculum Requirements for Eligibility.

(a) Students applying for scholarships until success curricula are developed must meet the minimum curriculum requirements for high school graduation as established by the Wyoming State Board of Education. Specifically this includes but is not limited to the successful completion of four years of language arts, three years of math, three years of social studies and three years of science. An exception to this requirement is made for:

(i) Students applying for scholarships using general educational development (GED) standard scores.

(b) Other than for students schooled at home, high schools will be responsible for verifying whether or not students are on track to meet or have met Hathaway Scholarship curriculum requirements when transcripts are submitted to the eligible institution prior to actual high school graduation. The eligible institution will deal directly with high schools to resolve any curriculum issues which may arise during the application process.

(c) Success curriculum requirements will be developed for Hathaway Scholarships effective with the graduating class of 2011. These requirements will be developed by the Department with multiple stakeholders and presented to the governor and the Legislature for approval. This success curriculum will be made available to all freshmen entering Wyoming high schools in the fall of 2007.

(i) The curriculum will include four years each of language arts, mathematics, and science, three years of social studies, and study of a foreign language.

(ii) On a case-by-case basis the Department may exempt from success curriculum requirements those students graduating from an eligible high school small enough that it does not qualify as a prototypical high school under Wyoming law which is unable to deliver all the instructional classes required to meet the success curriculum.

(d) Beginning with the 2006-07 school year, all Wyoming eighth grade students will be presented a one-week unit of instruction that will provide an overview of the high school curriculum required to be successful for postsecondary work, standardized test requirements, scholarship availability, and the effect of education on earnings potential. This unit of study will be developed by the Department in consultation with school districts.

Section 7. Hathaway Career Scholarship.

(a) The Career Scholarship provides \$800 per full-time semester, limited to the equivalent of four full-time semesters of enrollment in a certificated program at a Wyoming community college. Students may be eligible for additional

Career Scholarships, as outlined below. Enrollment less than full-time will be reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with 12 used as the denominator. Six semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

(b) In addition to eligibility requirements set forth in Sections 4, 5, and 6, initial eligibility for the Hathaway Career Scholarship requires one of the following:

(i) A high school GPA of 2.50 and either a composite ACT score of at least 17 or a cumulative score of at least 12 points on applied math, reading for information and locating information on WorkKeys tests.

(ii) For a student obtaining a GED, a standard score of 500 and either a composite ACT score of at least 17 or a cumulative score of at least 12 points on applied math, reading for information and locating information on WorkKeys tests.

(iii) For students schooled at home, an ACT score of at least 17 or a cumulative score of at least 12 points on applied math, reading for information and locating information on WorkKeys tests.

(c) Continued eligibility requires:

(i) Continuous enrollment for not less than two consecutive semesters in each academic year, unless the eligible institution grants an exception on a case-by-case basis where a student:

(A) Enters into active military duty in the U.S. Armed Forces;

(B) Enters into a formalized religious service;

(C) Can demonstrate in writing other good cause to interrupt continuous enrollment.

(ii) Evidence of maintenance of a cumulative 2.25 GPA, calculated at the end of each spring semester. The cumulative GPA shall be calculated and maintained by the institution, using the non-remedial academic grades from all eligible institutions the student has attended after initiation of the Hathaway scholarship.

(iii) Evidence of satisfactory academic progress as measured by the completion of the minimum number of non-remedial semester hours appropriate to the student's enrollment, evaluated at the end of each spring semester.

(d) Failure to meet cumulative GPA requirements results in scholarship ineligibility for subsequent semester(s) unless:

(i) Exception for good cause can be made by the Wyoming Department of Education as set forth under Section 12 of these rules.

(ii) The scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.25 has been attained, provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) of ineligibility.

(e) Additional Career Scholarships can be made available to a student who has earned a certificate(s) from a Wyoming community college with a minimum cumulative GPA of 2.25 provided the student also meets other eligibility requirements and the limits of six years or the equivalence of eight full-time semesters is not exceeded. The additional Career Scholarship may be used to pursue either an additional certificate or a degree from a Wyoming community college.

Section 8. Hathaway Opportunity Scholarship.

(a) The Opportunity Scholarship provides \$800 per full-time semester, limited to the equivalent of eight full-time semesters, not more than four of which may be used at a Wyoming community college. Enrollment less than full-time will be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with 12 used as the denominator. Six semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

(b) In addition to eligibility requirements set forth in Sections 4, 5, and 6, initial eligibility for the Hathaway Opportunity Scholarship requires one of the following:

(i) A high school GPA of 2.50 and a composite ACT score of at least 19; or

(ii) For a student obtaining a GED, a minimum standard score of 500 and an ACT score of at least 19; or

(iii) For students schooled at home, an ACT score of at least 19.

(c) Continued eligibility requires:

(i) Continuous enrollment for not less than two consecutive semesters in each academic year, unless the eligible institution grants an exception on a case-by-case basis where a student:

Forces; (A) Enters into active military duty in the U.S. Armed

(B) Enters into a formalized religious service;

(C) Can demonstrate in writing other good cause to interrupt continuous enrollment.

(ii) Evidence of maintenance of a cumulative 2.25 GPA, calculated at the end of each spring semester. The cumulative GPA shall be calculated and maintained by the institution, using the non-remedial academic grades from all eligible institutions the student has attended.

(iii) Evidence of satisfactory academic progress as measured by the completion of the minimum number of non-remedial semester hours appropriate to the student's enrollment, evaluated at the end of each spring semester.

(d) Failure to meet cumulative GPA requirements results in scholarship ineligibility for subsequent semester(s) unless:

(i) Exception for good cause can be made by the Wyoming Department of Education as set forth under Section 12 of these rules.

(ii) The scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.25 has been attained, provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) of ineligibility.

Section 9. Hathaway Performance Scholarship.

(a) The Performance Scholarship provides \$1,200 per full-time semester, limited to the equivalent of eight full-time semesters, not more than four of which may be used at a Wyoming community college. Enrollment less than full-time will be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with 12 used as the denominator. Six semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

(b) In addition to eligibility requirements set forth in Sections 4, 5, and 6, initial eligibility for the Hathaway Performance Scholarship requires one of the following:

(i) A high school GPA of 3.00 and a composite ACT score of at least 21; or

(ii) For a student obtaining a GED, a minimum standard score of 540 and an ACT score of at least 21; or

(iii) For students schooled at home, an ACT score of at least 21.

(c) Continued eligibility requires:

(i) Continuous enrollment for not less than two consecutive semesters in each academic year, unless the eligible institution grants an exception on a case-by-case basis where a student:

(A) Enters into active military duty in the U.S. Armed Forces;

(B) Enters into a formalized religious service;

(C) Can demonstrate in writing other good cause to interrupt continuous enrollment.

(ii) Evidence of maintenance of a cumulative 2.50 GPA, calculated at the end of each spring semester. The cumulative GPA shall be calculated and maintained by the institution, using the non-remedial academic grades from all eligible institutions the student has attended.

(iii) Evidence of satisfactory academic progress as measured by the completion of the minimum number of non-remedial semester hours appropriate to the student's enrollment, evaluated at the end of each spring semester.

(d) If the student fails to maintain a cumulative GPA of 2.50 but does achieve a cumulative GPA of at least 2.25, the student will forfeit the Performance Scholarship but shall be awarded a Hathaway Opportunity Scholarship under Section 8 for continued attendance at an eligible institution, subject to the following:

(i) The eligible institution may grant an exception and continue to award the Performance Scholarship if the student has demonstrated good cause.

(ii) Eligibility for the Hathaway Performance Scholarship shall be reinstated the subsequent semester after the cumulative GPA requirement of 2.50 has been attained provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) the student was eligible for the Hathaway Opportunity Scholarship.

(e) If the student's cumulative GPA falls below 2.25, the student becomes ineligible for any scholarship award under this program unless:

(i) Exception for good cause can be made by the Department as set forth under Section 12 of these rules.

(ii) The Opportunity Scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.25 has been attained, provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) of ineligibility.

(iii) The Hathaway Performance Scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.50 has been attained, provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) of ineligibility.

Section 10. Hathaway Honors Scholarship.

(a) The Honors Scholarship provides \$1,600 per full-time semester, limited to the equivalent of eight full-time semesters, not more than four of which may be used at a Wyoming community college. Enrollment less than full-time will be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with 12 used as the denominator. Six semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

(b) In addition to eligibility requirements set forth in Sections 4, 5, and 6, initial eligibility for the Hathaway Honors Scholarship requires one of the following:

(i) A high school GPA of 3.50 and a composite ACT score of at least 25; or

(ii) For a student obtaining a GED, a minimum standard score of 575 and an ACT score of at least 25; or

(iii) For students schooled at home, an ACT score of at least 25.

(c) Continued eligibility requires:

(i) Continuous enrollment for not less than two consecutive semesters in each academic year, unless the eligible institution grants an exception on a case-by-case basis where a student:

Forces; or

- (A) Enters into active military duty in the U.S. Armed

- (B) Enters into a formalized religious service;

- (C) Can demonstrate in writing other good cause to interrupt continuous enrollment.

- (ii) Evidence of maintenance of a cumulative 2.50 GPA, calculated at the end of each spring semester. The cumulative GPA shall be calculated and maintained by the institution, using the non-remedial academic grades from all eligible institutions the student has attended.

- (iii) Evidence of satisfactory academic progress as measured by the completion of the minimum number of non-remedial semester hours appropriate to the student's enrollment, evaluated at the end of each spring semester.

(d) If the student fails to maintain a cumulative GPA of 2.50 but does achieve a cumulative GPA of at least 2.25, the student will forfeit the Honors Scholarship but shall be awarded a Hathaway Opportunity Scholarship under Section 8 for continued attendance at an eligible institution, subject to the following:

- (i) The eligible institution may grant an exception and continue to award the Honors Scholarship if the student has demonstrated good cause; and

- (ii) Eligibility for the Hathaway Honors Scholarship shall be reinstated the subsequent semester after the cumulative GPA requirement of 2.50 has been attained provided that:

- (A) The maximum scholarship time period has not been reached, including the semester(s) the student was eligible for the Hathaway Opportunity Scholarship.

(e) If the student's cumulative GPA falls below 2.25, the student becomes ineligible for any scholarship award under this program unless:

- (i) Exception for good cause can be made by the Department of as set forth under Section 12 of these rules; and

- (ii) The Opportunity Scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.25 has been attained, provided that:

(A) The maximum scholarship time frame has not been reached, including the semester(s) of ineligibility;

(iii) The Hathaway Honors Scholarship shall be subsequently reinstated the semester after the cumulative GPA requirement of 2.50 has been attained, provided that:

(A) The maximum scholarship time period has not been reached, including the semester(s) of ineligibility.

Section 11. **Hathaway Need-Based Scholarship.**

(a) The Need-Based Scholarship is intended to supplement Hathaway Merit Scholarships for qualifying students. Students must first be eligible to receive one of the Hathaway Merit Scholarships and must additionally be eligible for federal financial aid as determined by the FAFSA.

(b) Unmet financial need is determined annually for each student by the eligible institution no later than the end of the third week of the semester the student first enrolls for the academic year. Unmet need is calculated in the following manner:

(i) Determine the institution's cost of attendance (COA);

(ii) Subtract from the COA the estimated family financial contribution as determined annually by the FAFSA;

(ii) Subtract the appropriate annual Hathaway merit award for which the student is eligible;

(iii) Subtract any additional grants and/or scholarships the student will receive. This remainder is the annual unmet need amount.

(c) If a student's annual unmet need is less than or equal to \$2,000.00, the student is not eligible for the Hathaway Need-Based Scholarship.

(d) If a student's annual unmet need is greater than \$2,000.00:

(i) Honor scholarship recipients will receive the full amount of the annual unmet need in excess of \$2,000.00, half awarded each semester. The minimum award a student shall receive is \$100.00 per semester;

(ii) Career, Opportunity, and Performance Scholarship recipients will receive 25 percent of the annual unmet need in excess of \$2,000.00, half awarded each semester, not to exceed \$750.00 each semester. The minimum award a student can receive is \$100.00 per semester.

(e) The Need-Based Scholarship will be redetermined annually. If the student meets financial requirements for the Need-Based Scholarship, it will continue as long as the student remains eligible for a Hathaway Merit Scholarship.

Section 12. Appeal of Initial and Continuing Eligibility

(a) The Department will follow the Wyoming Administrative Procedure Act, W.S. 16-3-101 et seq. in hearing the appeals of decisions made by eligible institutions concerning initial eligibility. A student may appeal the following decisions made by eligible institutions to deny initial scholarship eligibility based on:

- (i) Incomplete or inaccurate information;
- (ii) Failure to qualify under any provision of W.S. 21-16-1303(b) (i) through (iii) and (c) through (e), W.S. 21-16-1307(a)(i) and W.S. 21-16-1308 (b)(iii), (iv) and (v) including failure to grant an exception where the authority to grant an exception is specifically provided for in law.

(b) The department will follow the Wyoming Administrative Procedure Act, W.S. 16-3-101 et seq. in hearing the appeals of decisions made by eligible institutions concerning continuing eligibility for:

- (i) Failure to grant exception for good cause to continue scholarship eligibility where the student has not maintained satisfactory academic progress;
- (ii) Failure to extend scholarship eligibility timeframes based on military service, religious service, or other good cause;
- (iii) Decisions of eligible institutions made with incomplete or inaccurate information.

(c) No student may be granted an exception to initial eligibility for high school GPA, ACT, GED, or WorkKeys test score requirements.

Section 13. Award Amounts.

(a) For the 2006-07 school year, Hathaway Merit Scholarship awards shall be reduced by the amount of prior academic merit institutional scholarship commitments made to a student for this school year. This provision does not apply to Hathaway Need-Based Scholarships.

(i) Also for 2006-07 only, the acceptance by a Hathaway-eligible student of an institution's academic merit scholarships shall count toward the eight (8) total semesters of Hathaway Scholarship eligibility.

(b) In subsequent years, institutions may reduce their annual academic merit institutional scholarship commitment(s) to a student by an amount not to exceed the Hathaway Scholarship award to a student. This provision does not apply to Hathaway Need-Based Scholarships.

(i) To the extent the institution reduces scholarship commitments pursuant to the above, the institution shall report biennially to the joint education committee how these funds were reallocated.

(c) Students attending more than one eligible institution shall enter into a consortium agreement with the multiple institutions whereby the home institution will be awarded the Hathaway Scholarship for that student. The student will be responsible for making proper payment to the host institution.

(i) The home institution shall be responsible for data reporting for the consortium student.

(d) Hathaway Scholarship award amounts shall be reduced if, when combined with other grant(s) or scholarship(s), a student's multiple awards exceed the student's total semester cost of attendance at the institution(s).

(e) Scholarships awarded by county commissions under W.S. 23-17-105 and those awarded by the University of Wyoming board of trustees under W.S. 21-17-114 shall be in addition to Hathaway Merit Scholarships, but shall be considered for purposes of determining unmet financial need for Hathaway Need-Based Scholarships.

Section 14. Application Procedures.

(a) Except as provided in (c) below, students graduating from an eligible high school or those receiving GED equivalency diplomas must apply for Hathaway Scholarships within two years of the graduation date of the student's high school graduating class.

(i) GED applicants may apply sooner than the graduation date of their high school class if ordered by a court to complete GED requirements earlier. These students may also appeal to the Department for early application for other good cause.

(b) Except as provided in (c) below, students completing an approved home-based educational program must apply for Hathaway Scholarships before they reach age twenty-one. Students completing a home-based educational program who also take the GED test will be considered as home-schooled students for purposes of these rules.

(c) Scholarship application timeframes can be extended under the following circumstances, to be determined by the eligible institution:

(i) For students who enter into active military duty in the U.S. Armed Forces; or

(ii) For students who enter into a formalized religious service; or

(iii) For students who can demonstrate other good cause in writing.

(d) Prior to the beginning of the semester the student wishes to attend, the student may apply for the Hathaway Scholarship directly to the eligible institution at the same time the student applies for admission to that institution. The institution will determine the student's eligibility for admission as well as Hathaway Scholarship awards.

(e) Eligible institutions will assure their application process meets the requirements set forth in these rules for general and specific scholarship eligibility, including but not limited to applicant attestation of default or refund of student loans.

(f) High school students must request their high school to submit their most current transcript, GPA and ACT/WorkKeys scores to the eligible institution at the time of their first application, but no sooner than completion of the equivalent of their 6th high school semester. The high school sending the transcript to the eligible institution should verify whether or not curriculum requirements for Hathaway Scholarships have been met to date and indicate the student's current GPA.

(i) School districts will calculate GPA on a 4.0 scale regardless of the grading scale used by the district. The most current GPA will be clearly indicated on the student's transcript. Eligible institutions will rely exclusively on the GPA calculated by districts to determine Hathaway eligibility.

(ii) Provisional eligibility will be determined by the institution based on curriculum, the GPA evident in the student's most current transcript, and ACT or WorkKeys scores.

(A) For students graduating prior to their senior year, the transcript that will be used to determine provisional eligibility shall be the transcript at the end of the semester immediately prior to the last semester before the student's graduation.

(iii) The institution will notify the student of their provisional scholarship eligibility.

(iv) After graduating from high school, students must request their final high school to submit to the institution the student's complete academic record or transcript, GPA, and ACT/WorkKeys scores. The high school must verify on the transcript whether or not the student has met Hathaway Scholarship curriculum requirements.

(A) Final eligibility will be determined by the institution based on high school verification of curriculum completed, GPA, and ACT/WorkKeys scores.

(B) At the time the institution officially notifies the student of their Hathaway Scholarship award, the institution will include with the notification information on the origin of the Hathaway Scholarship program and the individual for whom the scholarship is named, including biographical data and a description of his commitment to the State of Wyoming and to the promise of the youth of the State.

(g) Students completing a home-based educational program must submit to the eligible institution whatever documentation the institution requires for proof of coursework completion as well as their ACT or WorkKeys scores.

(h) Students completing high school through a GED must submit to the eligible institution at the time of application their official GED transcript and ACT or WorkKeys scores.

(i) Students who may be eligible for the Hathaway Need-Based Scholarship must submit a FAFSA application in time for it to be received by the federal processor before the beginning of the semester the student begins study.

Section 15. Transferring Students.

(a) Students transferring between eligible institutions may maintain Hathaway Scholarship awards by requesting that the institution from which they are transferring provide an official transcript to their new institution. The transcript or an attachment to the transcript must include:

(i) A list of all semesters for which the student was eligible and received a Hathaway Scholarship, and/or all semesters the student was ineligible for the scholarship, if applicable; and

(ii) Grades for all non-remedial academic courses completed since initiation of a Hathaway Scholarship to enable the receiving institution to calculate a cumulative GPA for continuing scholarship eligibility.

Section 16. **Payment to Institutions.**

(a) For the first four years of the program, eligible institutions shall report to the Wyoming Department of Education by July 15 estimates of the number of students and the scholarship awards they anticipate for the upcoming fall semester. Institutions must report again to the Department by December 1 the number of students and scholarship amounts they anticipate for the following spring semester. Community colleges will additionally report to the Commission the estimates they submitted to the Department for July 15 and December 1.

(i) The Department shall certify to the State Treasurer the amounts to be paid to each eligible institution in a manner that will enable the prepayment to be made to the institutions by September 1 for the fall semester and by January 15 for the spring semester.

(b) After the first four years of estimates by the institutions, the Department will rely on actual data to make annual prepayments to institutions in the amount of 75% of the total amount that institution received the preceding semester.

(i) The Department will certify to the state treasurer the amount to be paid to each eligible institution in time for the institutions to receive their fall semester prepayment by September 1 and their spring semester prepayment January 15.

(c) Within 30 days of the commencement of each semester, the community colleges shall submit to the Wyoming Community College Commission a list of students enrolled in the institution who qualify for Hathaway Merit and Need-Based Scholarships, and the amount for which they qualify.

(d) Within 10 days of receipt of the last student data list from an individual community college, the Commission shall verify no inappropriate duplication of students exists between the colleges then shall submit to the Department a complete list of students and the amount each college is to receive for Hathaway Scholarship awards.

(e) Within 45 days of the commencement of each semester, the University shall certify to the Department a list of students enrolled in the institution who qualify for Hathaway Merit and Need-Based Scholarships, and the amount for which they qualify.

(f) The lists submitted to the Department from the eligible institutions must include all the data elements needed to enable the institutions and the Department to meet the reporting requirements of the Hathaway Scholarship program. Data elements shall include but are not limited to:

(i) Student name, birth date, and gender;

(ii) Unique student identifier identified by the Department and the institutions;

(iii) Name of the institution;

(iv) Hathaway scholarship category;

(v) Number of credit hours;

(vi) Semester identifier; and

(vii) High school graduation year.

(g) Upon receipt of the two student lists, the Department shall verify there is no inappropriate duplication of students among the institutions.

(i) Any duplication of students will be reported by the Department to the institutions and to the Commission. The institutions, in coordination with the Commission, will research and resolve the problem, if any, and submit final lists back to the Department.

(h) When the final lists are certified as accurate and approved, the Department will certify to the state treasurer the balance of the amount due to each institution for the semester.

(i) The state treasurer shall pay the amounts due no later than 75 days after commencement of the institution's semester. Individual payments will be made to the University and to each community college.

(i) The state treasurer shall report to the Wyoming Community College Commission and the Department the amounts paid to each college.

(j) Any prepayment that exceeds the amount actually due the institution for any semester shall be calculated by the Department and deducted from the next payment(s) made to the institution.

(k) Students receiving a Hathaway Scholarship for a summer semester shall be included with the institution's fall semester calculations.

(i) The Department will consequently adjust the award to the institution for the fall semester to include the appropriate additional amount for the summer semester.

Section 17. Promotion of the Hathaway Scholarship Program.

(a) The Department will oversee the development and distribution of Hathaway Scholarship promotional material and promotional activities.

(b) In consultation with school districts and the admissions and financial aid officers of the eligible institutions, the Department shall develop a plan for the statewide promotion of the scholarship program, to insure:

(i) Students and their parents or legal guardians are made aware of the availability of the Hathaway Scholarships and the requirements set forth for each in sufficient time for a student to apply to an eligible institution for post-secondary classes beginning the fall semester of 2006;

(ii) Students and their parents or legal guardians know of the Hathaway Scholarship success curriculum which is to be made available to all Wyoming high school freshmen in the fall of 2007, the scholarship requirements as they are phased in 2008 through 2010, and the full requirements which are to be in place by 2011;

(c) The Department shall require each school district by September 2006 to include on all districtwide written communication to parents or legal guardians a statement that the State of Wyoming provides Hathaway Merit and Need-Based Scholarships to all eligible Wyoming students attending the University of Wyoming or Wyoming community colleges.

(d) The Department will insure information concerning the Hathaway Scholarship Program is available on the Department's website on the Internet.

Section 18. Coordination with Other Award and Scholarship Programs.

(a) In order to assure Wyoming students receive the most effective and efficient education supports possible, the Department, in coordination with school districts, the University of Wyoming, and the community colleges, may identify and coordinate the multiple non-institutional scholarship and grant opportunities available throughout the state whose goals are similar to the Hathaway Scholarship Program and may describe how the multiple programs can work together to best utilize available resources.

Section 19. Data Gathering and Reporting Procedures.

(a) In consultation with school districts and the financial aid officers and registrars of the eligible institutions, or their designees, the Department will develop annual reporting procedures for purposes of policy analysis and program evaluation. The annual report on the Hathaway Scholarship Program will be pre-

mented by the Department in accordance with the budget timeframes identified in W.S. 9-2-1014.

(b) Data reporting is a requirement for receipt of scholarship funds.

(c) The University of Wyoming will submit the required information directly to the Department.

(d) Wyoming community colleges will submit the required information to the Wyoming Community College Commission which will submit to the Department individual college information, as well as a summative report of all college data.

(e) Information to be provided to the Department from the eligible institutions includes:

(i) By scholarship type, the number of students who apply, the number and percent of students awarded a scholarship, and the number and percentage who subsequently enroll in the institution;

(ii) Rate of retention of scholarship recipients;

(iii) Persistence rate of freshman, sophomore, junior, and senior scholarship recipients, by original award year, by scholarship type; and

(iv) Graduation rates or rates of completion, by scholarship type by award year to include:

(A) For those receiving a baccalaureate level degree, the rate scholarship recipients graduated in four, five or six years, and the mean length of time for students to earn the degree; and

(B) For those receiving a certificate or associate degree, the rate scholarship recipients graduated in one, two, or three years, and the mean length of time for students to complete the certificate or associate degree.

(v) By instructional program, scholarship type, and award year, report on the promotional progress of students at the end of each spring semester according to the following categories:

(A) Those qualifying through high school graduation with the accompanying GPA and ACT requirements;

(B) Those qualifying through high school graduation with the accompanying GPA and WorkKeys requirements;

(C) Those qualifying through GED and the accompanying ACT requirements; and

(D) Those qualifying through a home-based educational program and the accompanying ACT requirements.

(vi) By instructional program, scholarship type, and award year, report on the loss of scholarship eligibility of students at the end of each spring semester according to the following categories:

(A) Those qualifying through high school graduation with the accompanying GPA and ACT requirements;

(B) Those qualifying through high school graduation with the accompanying GPA and WorkKeys requirements;

(C) Those qualifying through GED and the accompanying ACT requirements;

(D) Those qualifying through a home-based educational program and the accompanying ACT requirements.

(vii) In addition to reporting the number of students who have lost scholarship eligibility as specified in Section 18(e)(vi) of these rules, institutions will provide further data on cause of loss of scholarship to include:

(A) The number and percentage of students failing to meet satisfactory academic progress due to either minimum number of credit hours and/or failure to maintain minimum cumulative GPA ;

(B) The number and percentage of students failing to maintain minimum continuous enrollment requirements; and

(C) The number and percentage of students failing to enroll in the eligible institution.

(f) Studies the Department will undertake annually for each graduating cohort include:

(i) Analysis of the relationship between courses taken, grades earned in high school, and a student's ACT and or WorkKeys test scores; and

(ii) Analysis of the relationship between courses taken, grades earned in high school, and a student's college and/or university GPA.

Section 20. Insufficiency of Funds.

(a) Should funds within the expenditure account in the State Treasurer's Office be insufficient, merit scholarship awards may be honored with the

portion of the expenditure account allocated to need-based awards if the need-based awards have been met. Likewise, need-based scholarship awards may be honored with the portion of the expenditure account allocated to merit awards if merit awards have been met.

(b) If all funds within the expenditure account have been expended and all scholarships are still not funded, the reserve account shall be used to fund remaining scholarships.

(c) If no funds remain available in either the expenditure or reserve accounts and all scholarship commitments are still not made, payment reduction on a first-come first-served basis will be made using a student's original scholarship application date.

Section 21. Continuing Evaluation of the Program.

(a) Beginning not later than October 1, 2007, and by October 1 in each odd-numbered year thereafter, the Department, in consultation with the Commission and the eligible institutions shall make recommendations to the governor and the Legislature on whether or not the following requirements for Hathaway Scholarship eligibility need modification:

- (i) Minimum composite ACT or cumulative WorkKeys scores for initial eligibility;
- (ii) Minimum high school GPA for the various scholarships; and
- (iii) Other components of the Hathaway Scholarship Program which may need modification to continue to provide the desired incentives for students to pursue a rigorous high school curriculum and strive to achieve academic success.

Section 22. Audit Authority

(a) The Department may conduct an audit of any eligible institution to ensure compliance with the provisions of the Hathaway Scholarship Program.