

HOUSE BILL NO. HB0057

Hathaway private post secondary institution scholarships.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to the use of Hathaway scholarships at
2 private post secondary institutions; defining terms;
3 creating a scholarship; establishing eligibility
4 requirements; establishing payment of scholarship funds to
5 private post secondary institutions; specifying success
6 curriculum requirements; modifying the duties of the
7 department of education; providing a sunset date; requiring
8 rulemaking; requiring reporting; making conforming
9 amendments; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 21-16-1313 is created to read:

14

15 **21-16-1313. Hathaway private post secondary**
16 **institution scholarship; specifying eligible institutions;**

1 **certification and payment of institutions; reporting**
2 **requirements; sunset.**

3
4 (a) There is created the Hathaway private post
5 secondary institution scholarship. Subject to the
6 requirements of this section, the scholarship shall be
7 awarded to eligible students to attend private post
8 secondary institutions. For purposes of this section,
9 "private post secondary institution" means a state
10 accredited private post secondary degree granting
11 educational institution authorized to operate and provide
12 instruction in Wyoming in accordance with W.S. 21-2-401
13 through 21-2-407, including private post secondary degree
14 granting institutions exempt from licensure pursuant to
15 W.S. 21-2-406(a)(i)(C). The term includes institutions
16 offering programs that result in a certificate, as defined
17 by W.S. 21-16-1302(a)(iv), or a degree, as defined by W.S.
18 21-16-1302(a)(vi).

19
20 (b) Awards of the private post secondary institution
21 scholarships to students shall be contingent on available
22 funds and anticipated revenue to the Hathaway scholarship
23 expenditure account created by W.S. 21-13-1302(a).

1

2 (c) The Hathaway private post secondary institution
3 scholarship shall be used only for a student's cost of
4 attendance at a private post secondary institution to
5 obtain a certificate or degree.

6

7 (d) Except as specified in this subsection, initial
8 eligibility for the Hathaway private post secondary
9 institution scholarship shall be as specified by W.S.
10 21-16-1303(b), (c) and (e). The department shall promulgate
11 rules to establish eligibility criteria for students that
12 complete a home-based educational program and students that
13 receive a high school equivalency certificate that comply
14 with the requirements contained in W.S. 21-13-1308(b)(iii)
15 and (iv). Except for students that complete a home-based
16 educational program or that receive a high school
17 equivalency certificate, recipients shall:

18

19 (i) Meet the success curriculum requirements
20 contained in W.S. 21-16-1307(b);

21

22 (ii) Have a minimum cumulative high school grade
23 point average (GPA) of 3.5;

1

2 (iii) A score equal to or greater than the
3 2015-2016 national percentile rank of seventy-nine (79) on
4 an examination administered throughout the United States
5 and relied upon by institutions of higher education to
6 determine acceptance of students for attendance.

7

8 (e) No student shall be eligible for a Hathaway
9 private post secondary institution scholarship for more
10 than the equivalent of five hundred dollars (\$500.00) per
11 semester at a private post secondary institution.
12 Scholarships under this section shall be available for
13 attendance at a private post secondary institution for not
14 more than eight (8) full-time semesters. Not more than two
15 hundred (200) students shall receive a Hathaway private
16 post secondary institution scholarship. Notwithstanding
17 any other provision of law, minimum continuing eligibility,
18 satisfactory academic progress and reinstatement
19 eligibility requirements for a Hathaway private post
20 secondary institution scholarship shall be as prescribed by
21 department rule.

22

1 (f) Except as provided in subsections (d) and (g) of
2 this section, the Hathaway private post secondary
3 institution scholarships shall not be subject to the
4 provisions of W.S. 21-16-1308, but shall be administered by
5 the department in accordance with this section and the
6 following:

7
8 (i) The department shall, in consultation with
9 private post secondary institution's admissions officers
10 and financial aid officers, promulgate rules necessary to
11 implement this section;

12
13 (ii) Students shall apply for Hathaway private
14 post secondary institution scholarships with the department
15 at the time of applying for admission at a private post
16 secondary institution or at an earlier time as established
17 by rule of the department. The application shall contain
18 information required by rule of the department. The
19 application shall require each applicant to verify under
20 penalty of false swearing under W.S. 6-5-303, that the
21 applicant has not been convicted of a felony in this state
22 or another jurisdiction;

23

1 (iii) Upon request of a student applying to a
2 private post secondary institution and applying for a
3 Hathaway private post secondary institution scholarship,
4 each school district shall provide the department an
5 official transcript of the student's academic record
6 through the student's most recent semester of attendance.
7 Following graduation and upon the student's request the
8 school district shall also provide the department an
9 official transcript of the student's complete academic
10 record. All transcripts provided pursuant to this paragraph
11 shall designate each course that satisfies the success
12 curriculum requirements established under W.S.
13 21-16-1307(b);

14

15 (iv) The department shall preliminarily
16 determine the student's eligibility for the Hathaway
17 private post secondary institution scholarship. For
18 students applying for a scholarship, unless the student's
19 complete academic record is available, the GPA used to
20 preliminarily determine eligibility shall be based upon the
21 student's official high school transcript after either the
22 end of the first semester of a student's senior year or the
23 second semester of a student's junior year, at the sole

1 discretion of the eligible institution. For students
2 graduating prior to their senior year, the GPA used to
3 preliminarily determine eligibility shall be based upon the
4 student's official high school transcript as of the end of
5 the semester immediately prior to the last semester before
6 the student's graduation. High school GPAs for final
7 eligibility determinations for students applying for a
8 scholarship under this section shall be based upon the
9 student's complete high school academic record;

10
11 (v) The department shall determine and certify
12 to the state treasurer the amount of scholarships awarded
13 under this section for attendance at each eligible private
14 post secondary institution in the same manner and form
15 required by W.S. 21-16-1308(a)(v). The state treasurer
16 shall pay from the scholarship expenditure account the
17 amount certified by the department to each private post
18 secondary institution.

19
20 (g) The same information required to be reported
21 under W.S. 21-16-1308(c) shall be reported to the
22 department by each private post secondary institution
23 receiving funds pursuant to this section for the Hathaway

1 private post secondary institution scholarship. The annual
2 report by the department shall be submitted to the governor
3 and the legislature in accordance with W.S. 9-2-1014.

4
5 (h) The department may conduct an audit of any
6 private post secondary institution receiving funds from the
7 scholarship program under this section to determine
8 compliance with any provision of this article and rules.

9
10 (j) This section is repealed July 1, 2029.

11
12 **Section 2.** W.S. 21-16-1301(a)(ix) and (xv),
13 21-16-1302(a), 21-16-1309(b)(i), (ii) and (iv) and
14 21-16-1311 are amended to read:

15
16 **21-16-1301. Definitions.**

17
18 (a) As used in this article:

19
20 (ix) "Eligible institution" means the University
21 of Wyoming or a Wyoming community college. For the purpose
22 of awarding private post secondary institution scholarships
23 under W.S. 21-16-1313 only, the term shall include private

1 post secondary institutions, as defined by W.S.
2 21-16-1313(a);

3

4 (xv) "Scholarship" means an award provided
5 pursuant to W.S. 21-16-1304, 21-16-1305, ~~or~~ 21-16-1306 or
6 21-16-1313;

7

8 **21-16-1302. Hathaway scholarship expenditure account**
9 **created; reserve account created; use and appropriation of**
10 **funds.**

11

12 (a) The Hathaway scholarship expenditure account is
13 created to consist of earnings from the Hathaway student
14 scholarship endowment fund created by W.S. 9-4-204(u)(vii)
15 and such other funds appropriated by the legislature to the
16 expenditure account. Eighty percent (80%) of all monies
17 deposited to the expenditure account under this section
18 shall be available for scholarships under W.S. 21-16-1304, ~~and~~
19 ~~21-16-1305~~ and 21-16-1313. Twenty percent (20%) of all
20 monies deposited to the expenditure account under this
21 section shall be available for scholarships under W.S.
22 21-16-1306. Monies within the expenditure account are
23 continuously appropriated to the state treasurer for

1 distribution to eligible institutions based on scholarships
2 awarded under this article. Except as otherwise provided in
3 this subsection, all unexpended and unencumbered monies
4 within the expenditure account at the end of each fiscal
5 year shall be deposited by the state treasurer to the
6 Hathaway student scholarship reserve account. For ~~calendar~~
7 ~~year 2023 and~~ each calendar year, ~~thereafter,~~ all
8 unexpended and unencumbered monies within the expenditure
9 account on October 15 shall be deposited by the state
10 treasurer to the Hathaway student scholarship reserve
11 account on October 15.

12

13 **21-16-1309. Scholarship amounts.**

14

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

18

19 (i) Funds available for scholarships under W.S.
20 21-16-1304, ~~and~~ 21-16-1305 and 21-16-1313 shall be used for
21 scholarships under W.S. 21-16-1306 after all scholarships
22 under W.S. 21-16-1304, ~~and~~ 21-16-1305 and 21-16-1313 have
23 been paid;

1

2 (ii) Funds available for scholarships under W.S.
3 21-16-1306 shall be used for scholarships under W.S.
4 21-16-1304, ~~and~~ 21-16-1305 and 21-16-1313 after all
5 scholarships under W.S. 21-16-1306 have been paid;

6

7 (iv) If no funds remain available in the
8 expenditure account or reserve account at the time payment
9 is required to be made to an institution for any semester,
10 the payment to the eligible institutions and private post
11 secondary institutions shall be reduced on a first come
12 first served basis using the student's application date for
13 the scholarship.

14

15 **21-16-1311. Hathaway scholarship program reporting.**

16

17 The University of Wyoming, ~~and~~ each community college and
18 each private post secondary institution receiving funds
19 under this act shall report on the use of all scholarship
20 funds controlled by the institution, exclusive of federal
21 funds. The report shall show the total scholarship funds,
22 including scholarship funds granted via tuition discounts,
23 for the most recently completed biennium contrasted with

1 the biennium ending June 30, 2006. The report shall show
2 how any funds supplanted by Hathaway scholarships have been
3 reallocated for other scholarship and student financial aid
4 programs or have been rebudgeted for other purposes and the
5 plans for such funds for the coming biennium. The report
6 shall describe the extent to which the university, and
7 community colleges and private post secondary institutions
8 receiving funds under this act have included within regular
9 written or electronic communications transmitted to alumni
10 of the institutions, information on the progress of the
11 scholarship programs established under this article and
12 information on making contributions to the Hathaway student
13 scholarship endowment account. The Wyoming community
14 college commission shall specify the format of, and combine
15 and transmit the reports on behalf of each college. The
16 University of Wyoming and the community college commission
17 shall include the reports within the respective biennial
18 budget requests submitted under W.S. 9-2-1013.

19

20 **Section 3.**

21

22 (a) Students graduating school year 2025-2026 through
23 school year 2028-2029 shall be eligible for Hathaway

1 private post secondary institution scholarship, as created
2 by section 1 of this act.

3

4 (b) Any student awarded the Hathaway private post
5 secondary institution scholarship, as created by section 1
6 of this act, in school year 2025-2026 through school year
7 2028-2029 shall receive funds in accordance with W.S.
8 21-16-1313, contingent upon the student's continued
9 eligibility in accordance with W.S. 21-16-1313(e).

10

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

15

16 (END)