

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Use of the Hathaway scholarship at private institutions.

Sponsored by: Joint Education Interim Committee

A BILL

for

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

10

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

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14 **STAFF COMMENT**

1 Significant guidance on the policy choices is required by
2 the Committee to operationalize use of the Hathaway for
3 payment to private post secondary schools. Because private
4 post secondary schools operate in a different manner than
5 the University of Wyoming or the community colleges, it is
6 not possible to amend the existing program to include
7 private post secondary schools using the same requirements
8 and conditions as the current Hathaway scholarship program.
9 The decision points are noted at the appropriate location
10 of the bill draft. At the highest level, the following
11 questions require resolution to finalize the bill draft:
12

13 1. What is the payment schedule under this scholarship?
14 Is it a lump sum upon acceptance to the program? Does
15 it differ based on the specific school? How will the
16 differences in payment schedules by private post
17 secondary schools be accounted for in operation of the
18 program? WyoTech offers a 9 month and a 6 month
19 certificate. Payments are made monthly and do not
20 follow the traditional semester format. Frontier Bible
21 College and the Wyoming Catholic College align closer
22 to the University of Wyoming and the community
23 colleges. As the Hathaway Program exists currently,
24 the payments are made based on semesters.
25

26 2. How much is awarded under the scholarship? Are the
27 students eligible for the Hathaway needs based
28 scholarship pursuant to W.S. 21-16-1306? The 9 month
29 standard program at WyoTech costs approximately
30 \$34,850. The cost for the 6 month welding certificate
31 at WyoTech is approximately \$27,600. The cost for an
32 Associate of Arts degree from the Frontier Bible
33 College is approximately \$19,500. The cost for a 4
34 year Bachelor of Arts in Liberal Arts degree at the
35 Wyoming Catholic College is \$32,300.
36

37 3. Are the awards tiered based on academic performance
38 and completion of the success curriculum? How much is
39 awarded and what are the academic requirements for
40 receipt of the funds? The amount awarded under the
41 Hathaway program is dependent upon the student's grade
42 point average and score on a nationally normed
43 assessment or a career-technical aptitude test. The
44 success curriculum requirements differ for each
45 scholarship.

1
2 4. What private post secondary schools are eligible for
3 payment under the scholarship - nationally accredited
4 post secondary schools and state accredited schools?
5 WyoTech and the Wyoming Catholic College are
6 nationally accredited. Frontier Bible College is
7 accredited by the state, but is not nationally
8 accredited. The rigor required for state accredited
9 post secondary schools is very different than
10 nationally accredited post secondary schools. With the
11 exception of private religious degree granting post
12 secondary schools that issue specific diplomas,
13 private degree granting post secondary institutions
14 are required to be licensed by the Department of
15 Education pursuant to W.S. 21-2-401 through 21-2-407.
16

17 5. Because the operation of private post secondary
18 schools vary, how will satisfactory academic progress
19 be measured? The requirements for University of
20 Wyoming and the community colleges are based academic
21 performance that is measure each semester and students
22 that do not meet the requirement for one scholarship,
23 may be eligible to receive a lesser amount under a
24 different scholarship.
25

26 6. Will each private post secondary school make
27 determinations regarding students' eligibility and
28 certify the list to Wyoming Department of Education
29 for payment similar to the University and the
30 community colleges? How will this operate for schools
31 like WyoTech that have a compressed program? The bill
32 as drafted charges the Department of Education with
33 this task.
34

35 7. Section 3 of this bill draft states the scholarship is
36 available to students that graduate starting school
37 year 2025-2026. This is a policy choice for the
38 Committee and the Legislature. Additionally, are
39 students that have Hathaway eligibility pursuant to
40 W.S. 21-16-1304 and 21-16-1305 eligible for the
41 scholarship? How long are students eligible for the
42 Hathaway private post secondary school scholarship?
43 Are students that receive Hathaway private post
44 secondary school scholarship, eligible for the
45 Hathaway scholarship pursuant to W.S. 21-16-1304 and

1 21-16-1305, the Wyoming's Tomorrow Scholarship Program
2 pursuant to W.S. 21-16-1901 through 21-16-1907, and
3 the Wyoming Works Program pursuant to W.S. 21-18-401
4 through 21-18-409? Conforming amendments will be
5 necessary based on the Committee's directive in
6 response to this question.

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

12
13 21-16-1313. Hathaway private post secondary school
14 scholarship; continuing eligibility requirements; eligible
15 post secondary schools; certification and reporting by the
16 department; payment to schools.

17
18 (a) There is created the Hathaway private post
19 secondary school scholarship. Subject to the requirements
20 of this section, the scholarship shall be awarded to
21 eligible students to attend private post secondary schools.
22 For purposes of this section, "private post secondary
23 schools" means [XXX].

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25 *****
26

27 STAFF COMMENT

28 "Private post secondary school" requires a definition. Do
29 the schools need to operate and be located in Wyoming? What
30 type of accreditation, if any, is required for receipt of
31 funds? Will certification by the Department of Education be
required?

1
2 In consideration of this policy choice, W.S. 21-2-401
3 through 21-23-407 are relevant. These statutes govern the
4 operation and licensure of private degree granting post
5 secondary institutions. Depending on the definition adopted
6 by the Committee, conforming amendments are likely. Note,
7 private religious post secondary degree granting
8 institutions that issue a diploma of religious studies, an
9 associate of religious studies, associate of arts of
10 religious studies, bachelor of religious studies, or a
11 bachelor of arts of religious studies are exempt from the
12 licensure requirements.

13 *****
14 *****
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16 (b) Awards of the private post secondary school
17 scholarship to students shall be contingent on available
18 funds and anticipated revenue to the Hathaway scholarship
19 expenditure account created by W.S. 21-13-1302(a).

20
21 (c) The Hathaway private post secondary school
22 scholarship shall be used only for a student's cost of
23 attendance at a private post secondary school to obtain a
24 certificate, as defined by W.S. 21-13-1301(a)(iv), or a
25 degree, as defined by W.S. 21-18-1301(a)(vi).

26
27 (d) Except as specified in this subsection, initial
28 eligibility for the Hathaway private post secondary school
29 scholarship shall be as specified by W.S. 21-16-1303(b),
30 (c) and (e). The department of education shall promulgate

1 rules to establish eligibility criteria for students that
2 complete a home-based educational program and students that
3 receive a high school equivalency certificate that comply
4 with the requirements contained in W.S. 21-13-1308(b)(iii)
5 and (iv). Except for students that complete a home-based
6 educational program or that receive a high school
7 equivalency certificate, recipients shall have a minimum
8 cumulative high school grade point average (GPA) of [XXX]
9 and a score equal to or greater than the 2015-2016 national
10 percentile rank of [XXX] on an examination administered
11 throughout the United States and relied upon by
12 institutions of higher education to determine acceptance of
13 students for attendance.

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15 *****
16 **STAFF COMMENT**
17 **Specification of the academic requirements for scholarship**
18 **eligibility is required. The current Hathaway scholarship**
19 **eligibility requirements are different for each**
20 **scholarship. The greater the award, the more rigorous the**
21 **academic requirements. The provisional Hathaway allows**
22 **students to take a career-technical aptitude test or a**
23 **college entrance exam for eligibility.**
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26

27 (e) A Hathaway private post secondary school
28 scholarship shall be only for the student's cost of
29 attendance at a private post secondary school. No student

1 shall be eligible for a Hathaway private post secondary
2 school scholarship for more than the equivalent of [XXX].
3 Minimum continuing eligibility and reinstatement
4 eligibility requirements for a Hathaway private post
5 secondary school scholarship shall be [XXX]. Hathaway
6 private post secondary school scholarships may be reduced
7 in the same manner and to lower levels as provided for
8 [XXX] for failure to meet continuing eligibility
9 requirements, including satisfactory academic progress. For
10 purposes of this section, "satisfactory academic progress"
11 shall mean [XXX].

12 *****
13 *****

14 STAFF COMMENT
15 Guidance from the Committee on the following policy
16 decisions is required:

- 17
18 1. Identify the maximum award. Is the maximum award the
19 cost of attendance, inclusive of room, board, books
20 and other fees, or the cost of tuition only?
21 2. Identify the maximum time for eligibility for this
22 scholarship. Currently, the Hathaway scholarships are
23 limited to 8 full-time semesters. This will not
24 coincide with the operation of WyoTech. It does not
25 operate on semesters.
26 3. Identify the continuing eligibility requirements, if
27 any, including providing a definition of "satisfactory
28 academic progress" specific to the scholarship. The
29 requirements will need to take into consideration the
30 differences in the operation of private post secondary
31 schools.
32 4. Identify requirements for reinstatement of the
33 scholarship or state explicitly reinstatement is not
34 authorized if the scholarship is lost.

1 5. If tiered awards are provided, similar to the current
2 Hathaway scholarships, provide direction in the
3 instance the student fails to meet the satisfactory
4 academic progress requirements for continued
5 eligibility. Is the student eligible for lower tiers
6 of the scholarship? See W.S. 21-16-1303(f) for
7 context.

8 6. Identify minimum academic requirements for scholarship
9 eligibility. The Hathaway scholarships require a
10 minimum enrollment of 6 hours per semester to receive
11 a scholarship unless the student is enrolled in a
12 program at a Wyoming community college that requires
13 on-the-job training and credit hours to receive a
14 certificate.

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

25

26 (i) The department shall, in consultation with

27 private post secondary schools admissions officers and

28 financial aid officers, promulgate rules necessary to

29 implement this section;

30

1 (ii) Students shall apply for Hathaway private
2 post secondary school scholarships with the department at
3 the time of applying for admission at a private post
4 secondary school or at an earlier time as established by
5 rule of the department. The application shall contain
6 information required by rule of the department. The
7 application shall require each applicant to verify under
8 penalty of false swearing under W.S. 6-5-303, that the
9 applicant has not been convicted of a felony in this state
10 or another jurisdiction;

11

12 (iii) Upon request of a student applying to a
13 private post secondary school and applying for a Hathaway
14 private post secondary school scholarship, each school
15 district shall provide the department of education an
16 official transcript of the student's academic record
17 through the student's most recent semester of attendance.
18 Following graduation and upon the student's request the
19 school district shall also provide the department an
20 official transcript of the student's complete academic
21 record. All transcripts provided pursuant to this
22 paragraph shall designate each course that satisfies the

1 success curriculum requirements established under W.S.
2 21-16-1313[XXX];

3 *****
4 *****
5 STAFF COMMENT
6 Identification of the success curriculum for receipt of the
7 Hathaway private post secondary school scholarship is
8 required. The current Hathaway success curriculum differs
9 based upon the specific scholarship.

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11 *****
12 *****
13

14 (iv) The department of education shall
15 preliminarily determine the student's eligibility for the
16 Hathaway private post secondary school scholarship. For
17 students applying for a scholarship, unless the student's
18 complete academic record is available, the GPA used to
19 preliminarily determine eligibility shall be based upon the
20 student's official high school transcript after either the
21 end of the first semester of a student's senior year or the
22 second semester of a student's junior year, at the sole
23 discretion of the eligible institution. For students
24 graduating prior to their senior year, the GPA used to
25 preliminarily determine eligibility shall be based upon the
26 student's official high school transcript as of the end of
27 the semester immediately prior to the last semester before
28 the student's graduation. High school GPAs for final

1 eligibility determinations for students applying for a
2 scholarship under this section shall be based upon the
3 student's complete high school academic record;

4
5 (v) The department shall determine and certify to
6 the state treasurer the amount of scholarships awarded
7 under this section for attendance at each eligible private
8 post secondary school not later than September 1 for the
9 fall semester and not later than January 15 for the spring
10 semester. Upon receipt of the certification, the state
11 treasurer shall pay from the scholarship expenditure
12 account the amount certified by the department to each
13 private post secondary school.

14 *****
15 *****
16 **STAFF COMMENT**
17 **Consider the timing of certification and payment to private**
18 **post secondary schools. The schedule contained in paragraph**
19 **(f)(iv) of this section does not coincide with payments**
20 **required for attendance at Wyotech.**

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22 *****
23

24 (g) The same information required to be reported under
25 W.S. 21-16-1308(c) shall be reported to the department of
26 education by each private post secondary school receiving
27 funds pursuant to this section for the Hathaway private

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

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

9
10 **Section 2.** W.S. 21-16-1301(a)(xv), 21-16-1309(b)(i),
11 (ii) and (iv) and 21-16-1311 are amended to read:

12
13 **21-16-1301. Definitions.**

14
15 (a) As used in this article:

16
17 (xv) "Scholarship" means an award provided
18 pursuant to W.S. 21-16-1304, 21-16-1305, ~~or 21-16-1306~~ or
19 21-16-1313;

20
21 **21-16-1302. Hathaway scholarship expenditure account**
22 **created; reserve account created; use and appropriation of**
23 **funds.**

1

2 (a) The Hathaway scholarship expenditure account is
3 created to consist of earnings from the Hathaway student
4 scholarship endowment fund created by W.S. 9-4-204(u)(vii)
5 and such other funds appropriated by the legislature to the
6 expenditure account. Eighty percent (80%) of all monies
7 deposited to the expenditure account under this section
8 shall be available for scholarships under W.S. 21-16-1304,
9 ~~and 21-16-1305~~ and 21-16-1313. Twenty percent (20%) of all
10 monies deposited to the expenditure account under this
11 section shall be available for scholarships under W.S.
12 21-16-1306. Monies within the expenditure account are
13 continuously appropriated to the state treasurer for
14 distribution to eligible institutions based on scholarships
15 awarded under this article. Except as otherwise provided in
16 this subsection, all unexpended and unencumbered monies
17 within the expenditure account at the end of each fiscal
18 year shall be deposited by the state treasurer to the
19 Hathaway student scholarship reserve account. For ~~calendar~~
20 ~~year 2023 and each calendar year, thereafter~~ all unexpended
21 and unencumbered monies within the expenditure account on
22 October 15 shall be deposited by the state treasurer to the
23 Hathaway student scholarship reserve account on October 15.

STAFF COMMENT

Currently, 80% of funds deposited in the expenditure account are available for the Hathaway honors, performance, opportunity scholarships, with the remaining 20% to be awarded for the need-based scholarship. The percentage of funds to be utilized for the Hathway private post secondary school scholarship created by this act is a policy decision for the Committee. As a placeholder the new scholarship is included in the 80% allocation.

21-16-1309. Scholarship amounts.

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

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

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

1 21-16-1304, ~~and~~ 21-16-1305 and 21-16-1313 after all
2 scholarships under W.S. 21-16-1306 have been paid;

3

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

11

12 **21-16-1311. Hathaway scholarship program reporting.**

13

14 The University of Wyoming, ~~and~~ each community college and
15 each private post secondary school receiving funds under
16 this act shall report on the use of all scholarship funds
17 controlled by the institution, exclusive of federal funds.
18 The report shall show the total scholarship funds,
19 including scholarship funds granted via tuition discounts,
20 for the most recently completed biennium contrasted with
21 the biennium ending June 30, 2006. The report shall show
22 how any funds supplanted by Hathaway scholarships have been
23 reallocated for other scholarship and student financial aid

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

16

17 **Section 3.** The Hathaway private post secondary school
18 scholarship, as created by section 1 of this act, shall be
19 available to students that graduate in school year
20 2025-2026, and each school year thereafter.

21 *****
22 *****
23 **STAFF COMMENT**
24 **Initial eligibility for the Hathaway private post secondary**
25 **school scholarship, created by section 1 of this act, is a**

1 policy choice for the Committee and the Legislature. The
2 Committee may want to consider the eligibility for students
3 that are eligible for additional semesters pursuant to W.S.
4 21-16-1304 and 21-16-1305. Depending on the Committee's
5 directive, the bill draft may require amendments.

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10 Section 4. This act is effective July 1, 2026.

11
12 (END)