



## Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

### 1. General Information

a. Agency/Board Name Wyoming Department of Education		
b. Agency/Board Address 122 West 25th Street, Suite E200	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Bradley Barker III		f. Agency Liaison Telephone Number 307.777.6226
g. Agency Liaison Email Address bradley.barker@wyo.gov		h. Adoption Date July 19, 2018
i. Program General Agency, Board or Commission Rules		

### 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.     Yes. Please provide the Enrolled Act Numbers and Years Enacted: **2017 SEA 56, 2018 HEA 30**

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
38	Hathaway Scholarship Program	<input checked="" type="checkbox"/> Amended
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time: ,	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**

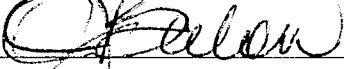
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **Uploaded to SoS system on July 20, 2018**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	State Superintendent of Public Instruction
Date of Signature	July 19, 2018

**7. 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;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**Chapter 38**  
**Hathaway Scholarship Program**

**STATEMENT OF REASONS**

The Hathaway Scholarship Program has revised the Chapter 38 Rules to reflect two new laws that passed during the 2017 and 2018 legislative sessions. The two laws that passed are: SEA 0056 (2017 legislative session), which required the Department to create a grade-weighting policy for college-level courses taken in high school, and HEA 0030 (2018 legislative session), which extends the scholarship application deadline from two years to four years after high school graduation. In addition to the two laws passed, minor changes to the remaining rules have been made in order to better reflect statutory language.

Name (First & Last)	Town of Residence	Email address or Phone #	My comment is...	Agency Response
Mar Rose	Shoshoni	mrose@fremont24.com	Vo- tech classes should be considered equally with foreign language and should be able to replace FL in the formula...	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
zac opps	powell	ztopps@pcsd1.org	<p>It appears to me, that students are able to fulfill some (or all) of the Hathaway math requirements before they enter 9th grade &lt;21-16-1307(b)(i)&gt;. In addition, students may take one of the two required years of foreign language prior to 9th grade &lt;21-16-1307(b)(v)&gt;. However, all other Hathaway requirements must be completed in grades 9-12. I have two questions: 1. Am I interpreting this correctly? 2. If so, what is the logic behind this?</p> <p>If students take a high school-level Science, Social Studies, Fine Arts, or CTE class during their middle school years, I suggest that this satisfy their Hathaway requirement. It is the same content with the same level of rigor ... just taken a year or two earlier. With the growing availability of online courses, a larger number of middle school students will have access to high school-level courses than ever before. Much like advanced high school students who take college courses while still enrolled in high school, advanced middle school students could take high school courses while still enrolled in middle school. Enrolling in these challenging courses seems that it would be an effective way to keep exceptional students engaged without requiring any extra resources.</p>	<p>Allowing courses other than math and foreign language to be taken prior to 9th grade is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>

Aline Cassidy	Casper	aline6960@myncsd.org	<p>I think that the reasoning for this proposal makes sense on paper, it does not make sense in reality. If we were to require students to have a full four year language program, their proficiency level would be at Intermediate High / Advanced Low (in order to teach a foreign language in Wyoming, the proficiency level should be at an Advanced Mid). For those, who have a basic understanding in proficiency, I may explain what that means.</p> <p>I personally am not an English native speaker. I am a German native speaker. I teach German and Russian at the Middle School level. In school we had no other choice than to learn two foreign languages. That being said, after the third year of language learning it gets more challenging for students (and I am speaking from my experience as well). It has shown that most of the students loose interest in the foreign language after the 3rd year because their growth is minimalistic.</p> <p>The progress that the students will show in their 3rd and 4th year of language learning is minimal because of how the languages work. Grammar / vocabulary work gets to be a big focus and certain skills in the language have to be practiced over long periods of time in order to become natural for a foreign language speaker.</p> <p>A better way to determine whether this new regulation is beneficial / doable for everybody (schools and universities) a nationwide test such as STAMP should be placed first and results compared in order to see, what a change like this would mean for teachers and most importantly students.</p> <p>I believe that we should still focus on our students and their success. If we were to change the law as it is proposed, less students would be celebrating their success in foreign language learning and the need to continue the process of learning a foreign language would shrink.</p> <p>Nowadays we want global citizens and we want students to be able to function in more than just one language. The goal is to support this process as much as we can throughout the journey in order to motivate the students in continuing their path.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Tony Anson	Basin	tony.anson@bgh4.k12.wy.us	<p>I am very concerned that we are now blanket endorsing any 1000 level course to be counted as a 5.0 on hathaway GPA. I could have students taking college Algebra and receive an A and get 5.0 and another student taking a 2credit easy course and still count the same. I also do not like that we have been made to count all course that we offer for 5.0. I have three concurrent courses that we teach in the high school with our teacher and we know what is being taught and the rigor so we are good to give that 5.0 but if we do not have any say on the rigor or content of the course, just because it is 1000 level, I have a concern with.</p>	<p>Changing the grade-weighting requirement is beyond the scope of authority of these rules.</p> <p><b>No Change</b></p>

Janell Willems	Sundance	janell@crook1.com	<p>Our district struggles to understand the intent and what is to be accomplished by implementing the weighted GPA. We are making many changes and causing confusion for what purpose? Our counselors indicate that students that currently aren't qualifying won't have any better advantage with the change in GPA - it's directly tied to their ACT scores.</p> <p>Our other concern is that classes with less academic merit, may now be weighted higher. For example, if we weight ALL college courses then we can have a College PE course weight higher than a Chemistry or other advanced class. That is hard to justify. If we have to do this, at least it's a little easier to explain if we just do the Hathaway dual/concurrent, etc courses.</p> <p>It seems that this legislative change has caused lots of confusion, work, and frustration for no apparent gain.</p> <p>Thank you!</p>	<p>Changing the grade-weighting requirement is beyond the scope of authority of these rules.</p> <p><b>No Change</b></p>
Susan Hathaway Garrett	Cheyenne	suegarrettchange@gmail.com	<p>I really appreciate the extension of the scholarship for four years since so many students aren't clear about what their education goals are when they first graduate high school.</p> <p>I believe that the Hathaway Scholarship should be used to support more students in vocational education. Not everyone wants or needs to be in college. Some students get discouraged with the continual focus on college prep and drop out. They could be motivated by more focus on voc ed and scholarship support. The drop out rates might go down and students would be motivated to continue the education they need.</p>	<p>No change requested.</p> <p><b>No Change</b></p>
Jackie Grimes	Laramie	Jacqueline@electjackiegrimes.org	<p>The Hathaway scholarship should contain provisions for children with disabilities who fundamentally cannot meet some of the requirements of the scholarship.</p>	<p>For special populations, school districts are required to provide accommodations for students with an IEP or a federal 504 designation pursuant to W.S. 21-16-1307 and 21-9-101.</p> <p><b>No Change</b></p>

Jackie Grosdidier	Douglas	3073510237	<p>I do not agree with deferring the Hathaway Scholarship for 2 years. I think if a student were truly committed to attending college they will do it immediately or within 2 (two) years and not 4 (four years) I do agree with a two year deferrment which allows students to do mission work.</p> <p>As far as the weighted grades many schools in Wyoming do not have IB or AP classes. Those students that attend schools without IB or AP are at an unfair advantage with weighted grades and receiving the Trustees scholarship. My daughter is a recipient of the Trustees Hathaway and did not attend a high school with IB or AP GPA.</p> <p>There are so many versions of the Trustees scholarship floating around that we honestly don't know if she is receiving her full scholarship benefits and have to rely on staff who honestly do not know the rules of the scholarship. Some students are allowed to move to off campus housing while some are required to remain in campus housing. Some students needed to have true freshman status I order to receive the Trustees scholarship while others did not. I also feel that a student that earns the Trustees scholarship should have an additional book stipend attached to the scholarship. I know that some of the issues I mentioned are not involved in the new laws Hathaway but are issues that need to be addressed and have answers which we have never been able to get.</p>	<p>Reverting back to the two-year initiation timeline is beyond the scope of authority of these rules.</p> <p>Changing the grade-weighting requirement is beyond the scope of authority of these rules.</p> <p><b>No Change.</b></p>
Shelly McFate	Laramie	shellmcfate@yahoo.com	<p>Would like to see the amounts for honors level increased, pay more of the total tuition. It is a hard task to achieve and would be more of an incentive to use it in state with a higher percentage of UW tuition and fees paid.</p>	<p>Changing scholarship amounts is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Robert Hill	Casper	robhill31@gmail.com	<p>Please provide opportunity for students to choose the career they want. The Success Curriculum could be adjusted to allow students elective choice. Many high performing students that want to enroll in community colleges in the state do not need foreign language for entry or degree programs. Their time is better spent in preperation for technical careers. Adjusting the Success Curriculum to permit elective choice will allow for traditional students to easily meet their requirements while enabling community college students to pursue high demand careers. Please consider flexible solutions that will offer positive opportunities for both university and community college students. Career and Technical Education concentrators, those that take a sequence of three courses in a content area, graduate at a 95.4% rate in Wyoming.</p>	<p>Beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Tom Dixon	Cheyenne	tom.dixon@wyo.gov	<p>After reading the Wyoming Public Radio article about the two changes you are looking for comment on, I'd like to say it is fantastic that AP and IB courses can use weighted GPAs. It makes sense not to punish kids who take harder classes and try to stretch themselves but end up with a B or C that could cost them a scholarship. I also think the four year deferment is a wonderful idea. Sometimes students need to go take some time to figure out what they really want. This allows that flexibility. It worked great for my wife, who got a two year deferment and then completed her education at Western.</p>	<p>No change requested.</p> <p><b>No Change</b></p>
James R Little Sr	Wilson, WY	Jlitlewy@mac.com	<p>I am a Pediatrician interested in child development. I have been a long time supporter of the Hathaway scholarship program.</p> <p>I believe the proposed changes will be very good for the program, especially allowing students to to have a gap or break in their education of up to 4 years.</p>	<p>No change requested.</p> <p><b>No Change</b></p>

Trevor Goss	Sheridan, Wyoming	307-763-0304	Many students want to pursue community college degrees that do not require foreign language. Our CTE students should be able to take more CTE classes in high school to better prepare them for what they will be pursuing as a carrier choice. Being able to take CTE classes earlier on in highschool will also increase our CTE concentrators and boost our program numbers.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Janet Chalberg	Gillette, Wyoming	jchalberg@ccsd1schools.net	In order for all students to be prepared for the working world, it is important that the Hathaway Scholarship include CTE courses in order to help the students succeed with real life skills they will learn. Students should take CTE credits as part of their Hathaway requirements and should be able to determine which combination of foreign language, the arts and CTE best fits their needs for future sucess.	No change requested.  <b>No Change</b>
Skye Mader	Cowley, Wyoming	Skyemader@gmail.com	Students should be given the option to take a foreign language. We should not force them into those classes when it is not a requirement at all colleges or at all trade schools. By opening this up we allow students to concentrate on areas that will benefit their future career, but still giving them the option to take foreign language classes.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Mary Hopper	Casper	Mhopper_2013@yahoo.com	There are many graduating high school students who choose careers and/or colleges that do not require foreign language. I believe students and their parents should be allowed to choose from all electives along with their core subjects when working towards the Hathaway scholarship.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Cheryl Munroe	Encampment	cmunroe@crb2.org	This is my 45th year of teaching in the CTE area. Statistics of student concentrators in CTE areas who complete their post secondary education prove that these areas provide needed "hands on" experience using core classes to succeed in the world of work. Our education system is in charge of providing students with skills and knowledge to be gainfully employed and successful adults. CTE courses need to be viewed with the same validity as core classes.	Changing the Hathaway Success Curriculum Requirements is beyond scope of authority of these rules.  CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.  <b>No Change</b>
Mary Boyd	Gillette	boyd.mary484@gmail.com	I recently had a conversation with a former college student, who indicated they felt their time in college was useless, because while in high school as they had focused on meeting Hathaway requirements, not focusing on CTE programs, which was of interest to them and would have been more beneficial for them. This individual did not complete their college education, as they left school to go work in a "trades" job, and are currently in an apprenticeship program for becoming a machinist. I believe that all elective courses in high school should be treated equal for Hathaway requirement. Thank you for you time!	Changing the Hathaway Success Curriculum Requirements is beyond scope of authority of these rules.  CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.  <b>No Change</b>



Gina Kidneigh	Big Horn	gkidneigh@gmail.com	<p>Please consider the impact that the success curriculum is having on our small, rural schools. From grades 9 to 12, my child gets 28 classes to schedule. The success curriculum dictates 19 of them to earn one of the top three tiers. Graduation requirements dictate another 4 classes. This leaves only 5 classes that my child can choose. Now, if my child enjoys music, which research has shown to be the best indicator of academic success, particularly in math and science, and takes a music class every year, she is down to ONE class that allows her to explore and expand her experience and interests, and this is ONLY if she's fortunate to have the schedule fit, which never happens. Furthermore, small schools that cannot provide the variety of courses needed are forced to put students in online courses and the quality of education they receive is far inferior to the live classroom experience. It's no wonder our students arrive at college with no idea of what they'd like to pursue as a career.</p>	<p>Current statute allows districts to seek a waiver in cases where it is a hardship to offer courses necessary to meet the Hathaway elective requirements.</p> <p><b>No Change</b></p>
Nate Penn	Lander	natepenn@hotmail.com	<p>Please change the rules to allow students to take more CTE classes and less foreign language to qualify for all levels of Hathaway Scholarship. The overwhelming majority of my students are attending community colleges IN Wyoming and NO foreign language is required for admittance or completion of those programs. It does not make sense to force a student (who wants to take all welding/auto classes in HS and pursue a degree in welding/auto) to take 2 years of a foreign language that they do not need, or will not remember when they get to the workforce. We need to focus on our concentrators, (or potential concentrators) who graduate at a very high rate.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Troy Corson	Casper	tjcorson70@gmail.com	<p>With the demand in the workforce for skilled workers, allowing student the opportunity to pursue careers will sustain and grow local and global business. This also allows true equality to all students to choose and become successful members of the communities.</p>	<p>No change requested.</p> <p><b>No Change</b></p>
Alan Shotts	Cody	ashotts@park6.org	<p>The Foreign Language Requirement in the Hathaway Success Curriculum for the Honors and Performance level scholarship limits the access to this level for students that want to pursue degrees and/or careers that do not require a foreign language component. I believe this requirement should be changed to allow students to choose to pursue electives in either Foreign Language, Fine Arts or Career Technical Education and each pathway be treated equally. Every subject that is required eliminates one elective course from a students' options and there are many degrees that do not require foreign language. On the other hand, students that have a chance to more fully engage in the courses related to their career choice have a better chance of being successful in their post-secondary opportunities.</p> <p>This option would in no way limit those students that need to specialize in a foreign language, but it would open up more opportunities for students that have either a Fine Arts or Technical focus. After all, the purpose of the Success Curriculum is to provide students an opportunity to be successful in the post-secondary path of their choice.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Megan Graham	Casper	mgraham@caspercollege.edu	<p>The Hathaway Scholarship is not available to all Wyoming students. Those students concentrating in the CTE (Career and Technical Education) do not have the opportunity to receive the full scholarship amount because they are required to take 2 years of foreign language instead of CTE courses. Although learning a foreign language is a good thing, is it more valuable than learning technical skills that help Wyoming's workforce? These students will go into the workforce, increase their skills at a Community College, get a bachelor's degree at U.W. None of those options require 2 years of foreign language. Only First Year Students entering U.W. must have a foreign language (not transfer students). CTE students should be treated more fairly.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>

Verlyn (Lyn) Velle	Gillette	307-299-5182	Please consider treating Career and Technical Education courses as viable electives, on the same level with foreign language and other electives. Our lack of skilled workers in Wyoming demands that students are career and college ready. Our community colleges do not require two years of foreign language. Students who ARE enrolled in a foreign language class are not fluent, and need to be immersed in the culture to learn well. Two years of foreign language is a struggle in small schools. Nation wide CTE students have a higher graduation and placement rate than non-CTE students. Thank you!	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Dr. Monte Stokes	Torrington	307 575-0094	How many on us have read in papers or seen on the news about thousands of college graduates that can't find jobs in the US in the last 10-15 years? I would guess all of us. Wyoming high school students need the flexibility to pick electives in high school that are going to prepare them for good paying jobs/ careers that will keep them here in Wyoming. This does not always mean the traditional university degree program. Career and Technical Education electives are vital to students that want to go that route, and are every bit as important as other academic courses. I am a veterinarian, and I believe in education, but I also am realistic. Not every kid is cut out for a four year degree, nor should they be. Many of the trades in every town in Wyoming pay as good or better than a new graduate veterinarian without the debt! I hope that we can all see the importance of CTE electives in high schools and how they are just as important for Hathaway funding as other courses. Thank you.	CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.  <b>No Change</b>
Brianna Anderson	Casper	brianna6865@myncsd.org	Many students want to pursue community college degrees that do not require foreign language. Our CTE students should be able to take more CTE classes in high school to better prepare them for their career choices while be funded equally.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Laura Stadtfeld	Casper	wyosplitsecond@gmail.com	Many students want to pursue community college degrees that do not require foreign language. Our CTE students should be able to take more CTE classes in high school to better prepare them for their career choices while be funded equally. States across our country are benefitting from their students that are applying their CTE skills and putting their certifications to work in their states. States such as Pennsylvania, Illinois, Vermont, Michigan, North Carolina,... I could go on. I have included the California fact sheet to help illustrate the importance of giving our students the opportunity to expand and apply their learning within our great state of Wyoming. Thank you for your time and considerations afforded for our students and their efforts for a brighter future.  ( <a href="https://www.cde.ca.gov/ci/ct/gi/documents/ctefactsheet2015.doc">https://www.cde.ca.gov/ci/ct/gi/documents/ctefactsheet2015.doc</a> )	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Joseph Martinez	Casper	Joseph.martinez116@gmail.com	I believe the Hathaway scholarship needs to be more flexible in order to increase the skilled labor force in Wyoming. CTE programs are often overlooked because students want to take foreign language courses to qualify for the full Hathaway scholarship resulting in fewer concentrators in CTE courses. If the Hathaway scholarship allowed other electives, alongside foreign language, to be acceptable for the full Hathaway scholarship, that would enable CTE courses to produce more CTE concentrators state wide.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>

Cameron Leaf	Casper	cameron6880@myncsd.org	<p>Hello,</p> <p>I believe that it is imperative that the Hathaway requirement be changed so that students are offered more flexibility toward CTE-related degrees. Some of those degrees do not require foreign language and it is for this reason that more equality between CTE electives and foreign language be established.</p> <p>There is a huge jobs gap in this country. These are jobs that need to be filled by skilled workers. If students are allowed more opportunity to take CTE courses in high school then those opportunities will develop into more opportunities at the post-secondary level. This will help to fill those gaps and target a higher graduation rate as concentrators graduate at a rate of 95.4 percent.</p> <p>Please consider these things when making your decision to support changes to the Hathaway.</p> <p>Thanks,</p> <p>Cameron Leaf CTE Teacher at CCA Middle School Casper, WY</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Taylor Haley	Riverton	Tfhaley3@gmail.com	<p>As an agriculture teacher I support the expansion of the Hathaway program. I feel that ensuring our trade students a future being equally funded is important. A student that is CTE bound for welding as a career should be able to take just those classes and bypass foreign languages that will not benefit their future. Allowing our CTE students this opportunity gives them equal footing with 4 year college bound classmates. Thank you.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>
Autumn Williams	Gillette	Autumnbeth79@gmail.com	<p>CTE is very important in today's society. Adding it the the Hathaway's gives more students opportunities to utilize this opportunity as they are already taking these classes because of the interests they have discovered. Some students this is one way for them to move on after highschool. I fully support CTE being added to the Hathaway!</p>	<p>CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.</p> <p><b>No Change</b></p>
Michelle Dahlberg	Buffalo	mdahlberg@jcsd1.us	<p>Please consider allowing students to fulfill the foreign language requirement with career and technical coursework.</p> <p>Students complete high school with various interests and strengths. Having an area of concentration allows them to strengthen their skills and their confidence. Career and technical education is one of these areas. When a student emphasizes career and technical coursework, they are developing specific skills for careers, they are developing soft skills for all future employment, and they are developing skills to enhance themselves as citizens.</p> <p>This learning should help them qualify for Hathaway funds as they will have a skill set to help them be successful in college so they can be productive workers, consumers, and citizens.</p>	<p>Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.</p> <p><b>No Change</b></p>

Jake Kennedy	Buffalo, WY	kkennedy@jcsd1.us	Career and Technical courses provide a challenging curriculum that will help prepare students for college and a career. Please consider allowing this opportunity for students to take the classes they want to take and which will help them prepare for their lives after high school.	CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.  <b>No Change</b>
Kami Kennedy	Buffalo, WY	kkennedy@jcsd1.us	CTE classes are challenging and will prepare students for college and their careers. The current foreign language requirement is not as beneficial as allowing students the flexibility to take a challenging course in an area where they would want to continue their careers.	Removing, replacing, or changing the foreign language requirement is beyond scope of authority of these rules.  <b>No Change</b>
Dr. Michelle Aldrich	Cheyenne	teachwyo@yahoo.com	Our students need to have the flexibility to take the electives that propel them in their chosen career pathway including CTE! Please don't close doors for them by not giving CTE classes equal footing for the Hathaway qualifications!	Changing the Hathaway Success Curriculum Requirements is beyond scope of authority of these rules.  CTE courses may be currently be used to fulfill core and elective requirements for the Hathaway Scholarship Program.  <b>No Change</b>

## **Chapter 38**

### **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. Definitions.**

- (a) “Applicant” means a person who has submitted a complete application including all required documentation.
- (b) “Attempted Hours” means the number of non-remedial hours the student enrolls in, both graded and non-graded, as of the census date.
- (c) “Award” means the monetary commitment made to an applicant for financial aid under the Hathaway Scholarship Program.
- (d) “Census Date” means the date established by each eligible institution for the administration of federal aid programs.
- (e) “College Entrance Exam Score” means the composite score the student earns on the college entrance exam, irrespective of whether the exam was provided by the state. The college entrance exam includes the residual college entrance exam and the college entrance exam taken with state-allowed accommodations.
- (f) “College or Industry Preparatory Courses” means courses that provide the knowledge and skills of the core academic content and the skills of interpersonal communication, knowledge acquisition skills, and life skills to enable the student to perform in the world of college and industry as determined by the Wyoming Department of Education.
- (g) “Commission” means the Wyoming Community College Commission.
- (h) “Continuous Enrollment” means enrollment of not less than two (2) consecutive semesters and at least one college-level credit in an academic year at an eligible institution.
- (i) “Cost of Attendance” (COA) means the sum of the cost of tuition before adjustment, mandatory fees, room and board, books and supplies, travel, and personal expenses to attend an eligible institution as determined annually by the institution in accordance with W.S. 21-16-1306(b).
- (j) “Earned Hours” means the hours for which a student has earned non-remedial credit.

- (k) “Eligible Institution” means the University of Wyoming or a Wyoming community college.
- (l) “Eligible Term” means the fall or spring term in which the student’s program of study is offered by an eligible institution
- (m) “Full-Time Semester” or “Equivalent of a Full-Time Semester” means twelve (12) or more semester hours of academic study undertaken in a semester or term, excluding remedial academic courses.
- (n) “Full-Time Student” means a student who is enrolled in at least twelve (12) semester hours of academic study in each academic term in an eligible institution, excluding remedial academic courses.
- (o) “Functional Equivalent” means a course approved by the Wyoming Department of Education that addresses the same content standards and substantial components of a named course within the success curriculum.
- (p) “Good Cause” means the existence of unusual and extraordinary circumstances that affect a student’s ability to meet eligibility requirements. Examples include, but are not limited to, personal accident, illness, or death or tragedy in the immediate family.
- (q) “High School Equivalency Certificate” (HSEC) means any certificate earned through successful completion of any high school equivalency assessment authorized by the Wyoming Community College Commission.
- (r) “High School Hathaway GPA” means the cumulative, unrounded GPA calculation of all high school courses for which a student earns credit on their official high school transcript, truncated to two decimal places and calculated in the following manner:
- (i) weighted courses will be calculated on a five-point (5.0) scale;
  - (ii) non-weighted courses will be calculated on a standard four-point (4.0) scale.
- (s) “High School Graduating Class” means students completing their high school courses of study any time during the year certified by the high school as their year of graduation.
- (t) “Home-Based Educational Program” means a program of educational instruction that meets the requirements of a basic educational program pursuant to W.S. 21-4-101(a)(vi).
- (u) “Part-Time Student” means a student who is enrolled for at least six (6) but

less than twelve (12) semester hours of academic study in each academic term in an eligible institution, excluding remedial academic courses.

(v) “Post-Secondary Hathaway GPA” means the post-secondary GPA used to determine continuing eligibility in accordance with Section 16 of these rules.

(w) “Professional Degree” means a degree earned through a program offered by a Wyoming community college that is both necessary and sufficient, excluding any licensing requirements, to enter a particular profession.

(x) “Provisional Eligibility” means the determination by an eligible institution that an applicant for a Hathaway scholarship meets preliminary scholarship requirements.

(y) “Satisfactory Academic Progress” (SAP) means earning at least six (6) non-remedial semester hours per semester if attempted hours are at least six (6) but less than twelve (12) semester hours or earning at least twelve (12) non-remedial semester hours per semester if twelve (12) or more semester hours are attempted and any other criteria as established by the eligible institution.

(z) “Semester Hour” means each non-remedial semester hour attempted for credit toward a degree or certificate, excluding any semester hours attempted before the initial use of a Hathaway Scholarship.

(aa) “Special Term” means any period of time in which a course is offered that is not a summer, fall, or spring term.

(bb) “Unmet Financial Need” means the cost of attendance (COA) minus the sum of expected family contribution and all federal, state, local, institutional, or private scholarships or grants received by the student, as determined by the eligible institution.

(cc) “Weighted Course” means Advanced Placement (AP) courses approved by the College Board, International Baccalaureate (IB) courses approved by the IB Organization, and dual and/or concurrent courses offered by a post-secondary institution that are 1000-level or higher. Weighted courses are calculated on a student’s official high school transcript using a five-point (5.0) scale.

(dd) “WISER ID” means Wyoming Integrated Statewide Education Record Identifier, which allows tracking of individual student records from secondary institutions to post-secondary institutions for Hathaway Scholarship Program studies and reporting per W.S. 21-16-1308(c).

(ee) “WorkKeys Score” means the total level score from the “Workplace Documents, Applied Mathematics, and Graphic Literacy” assessments.

### **Section 3. Eligibility.**

(a) To be initially eligible for the Hathaway Scholarship as a high school graduate, a student shall meet the requirements stated in W.S. 21-16-1303(b) through (e).

(b) Districts shall submit in a form and manner required by the Department a list of courses aligned with statewide content and performance standards that satisfy the success curriculum requirements as described in Sections 6, 7, and 8 of these rules.

(c) The Department shall approve courses that meet the Hathaway success curriculum requirements including:

(i) courses designated by districts as functional equivalents of the success curriculum and satisfy the success curriculum requirements;

(ii) college or industry preparatory courses that satisfy success curriculum requirements; or

(iii) math and foreign language courses available to students before grade nine (9) and satisfy success curriculum requirements.

(d) All high school courses for which a student earns credit on their official high school transcript shall be included in the High School Hathaway GPA, and the following courses shall be weighted on a five-point (5.0) scale:

(i) AP courses approved by the College Board;

(ii) IB courses approved by the IB Organization; and,

(iii) Dual and/or concurrent courses offered by a post-secondary institution that are 1000-level or higher.

(e) All courses described under subsection (d) of this section shall have a unique designation on a student's high school transcript and the Hathaway-approved course list.

(f) The High School Hathaway GPA must be notated on the student's official high school transcript and labeled as "Hathaway GPA."

(g) Districts shall provide appropriate accommodations, related services, specialized instruction, and supplementary aids and services to students with an individual education program (IEP) or a federal 504 designation pursuant to state and federal law. Courses meeting these requirements that also align to the Wyoming Content Standards at each grade level satisfy the requirements of a modified course within the Hathaway Success Curriculum per W.S. 21-16-1307(f)(iii).

(h) Districts shall ensure that any out-of-state placement of students who reside in



their district is accompanied by a placement agreement that assures the out-of-state school district will provide student transcripts as required by W.S. 21-16-1308(a)(ii) and that the out-of-state school or district will cooperate in verifying that its coursework will satisfy the success curriculum requirements established under W.S. 21-16-1307.

(i) On a case-by-case basis, in the manner and form directed by the Department, the Department may grant exceptions to specific coursework requirements within the success curriculum as allowed by statute and these rules for students attending or graduating from an eligible high school or a home-based educational program.

(j) All Hathaway scholarship recipients shall notify the institution if they are convicted of a felony or a court finds that they have violated the terms or conditions of probation or parole. If the institution is informed pursuant to this subsection, the eligible institution shall suspend the scholarship. The scholarship may be reinstated if the Department grants a request for an exception to W.S. 21-16-1303(d)(vi) as provided in section 18(d) of this chapter.

#### **Section 4. Honor, Performance, Opportunity Scholarship Requirements.**

(a) Applicants who are high school graduates shall complete all eligibility requirements set forth in W.S. 21-16-1304.

(b) Applicants who have earned an HSEC shall meet the minimum score on an HSEC as determined by the Commission and a composite college entrance exam score as defined in W.S. 21-16-1304 and W.S. 21-16-1308(b)(iv).

(c) Applicants who have completed a home-based educational program shall complete all eligibility requirements set forth in W.S. 21-16-1304 and W.S. 21-16-1308(b)(iii).

(d) A scholarship awarded under this section for attendance at a Wyoming community college for four (4) full-time semesters may be extended for continued attendance at the University of Wyoming or a Wyoming community college if the student is otherwise eligible for that scholarship. A student may be eligible for the extended semesters of use at a Wyoming community college if:

(i) The student has completed the requisite academic program, that is, either received a certificate or degree, or be eligible to enroll in the professional degree program;

(ii) The student intends to enroll in a professional degree program; and

(iii) The professional degree program is offered by a Wyoming community college.

#### **Section 5. Provisional Opportunity Scholarship Requirements.**

(a) The initial Provisional Opportunity Scholarship provides the equivalent of four (4) full-time semesters of enrollment in a certificate or degree program at a Wyoming community college.

(b) Applicants who are high school graduates shall complete all eligibility requirements set forth in W.S. 21-16-1305.

(c) Applicants who have earned an HSEC shall meet the minimum score on an HSEC as determined by the Commission and a composite college entrance exam score as defined in W.S. 21-16-1305 and W.S. 21-16-1308(b)(iv).

(d) Applicants who have completed a home-based educational program shall complete all eligibility requirements set forth in W.S. 21-16-1305 and W.S. 21-16-1308(b)(iii).

(e) Students may be eligible for an additional Provisional Opportunity Scholarship that may be used at an eligible institution as defined in W.S. 21-16-1305(a)(iii) provided that the student meets all eligibility requirements.

(i) Students who earn a certificate or a degree at a community college may be eligible for an additional provisional opportunity scholarship to use toward a degree or certificate at a community college.

(ii) Students who earn a degree at a community college may extend the scholarship to pursue a degree at the University of Wyoming.

**Section 6. Honor and Performance Scholarship Success Curriculum Requirements.**

(a) Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for a Hathaway Honor or Performance Scholarship as stated in W.S. 21-16-1307.

(b) For 2016 graduates or later, pursuant to W.S. 21-16-1307(b)(vi), students in this subsection shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) additional years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the HSC and verified by the districts.

(ii) Additional foreign language courses shall be taken in grades nine (9) through twelve (12) and do not need to be sequenced.

**Section 7. Opportunity Scholarship Success Curriculum Requirements.**

(a) Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for an Opportunity Scholarship as stated in W.S. 21-16-1307.

(b) For 2016 graduates and later, pursuant to W.S. 21-16-1307(b)(vi), students shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) sequenced years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the HSC and verified by the districts.

(ii) One year of the sequenced foreign language may be taken before grade nine (9).

**Section 8. Provisional Opportunity Scholarship Success Curriculum Requirements.**

(a) Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for a Hathaway Provisional Opportunity Scholarship as stated in W.S. 21-16-1307.

(b) For 2016 graduates and later, pursuant to W.S. 21-16-1307(b)(vi), students shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) sequenced years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the HSC and verified by the districts.

(ii) One year of the sequenced foreign language may be taken prior to grade nine (9).

**Section 9. Application.**

(a) The student may apply to the eligible institution for the Hathaway Scholarship at the same time the student applies for admission.

(b) The institution shall determine the student's Hathaway Scholarship eligibility.

(c) Eligible institutions shall meet the application process requirements set forth in these rules for scholarship eligibility. Applications shall be in the form prescribed by the Department.

(d) A student shall apply for scholarship within forty-eight (48) months from the date of high school graduation as indicated on the student's transcript, and shall initiate scholarship during the next eligible term.

(i) The Department or its designee may grant an exception for students pursuing a baccalaureate of applied science degree who meet requirements set forth in W.S. 21-16-1303(f), and for active military service, religious service, or other good cause shown.

#### **Section 10. High School Transcripts.**

(a) Applicants shall request that their high school submit their most current transcript to the eligible institution at the time of their first application, but no sooner than completion of the equivalent of their sixth (6th) high school semester.

(b) The high school sending the transcript to the eligible institution shall:

(i) Designate each course that satisfies success curriculum requirements for Hathaway Scholarships including foreign language or math courses taken before grade nine (9), if applicable. In addition, the school shall document foreign language proficiency on the official transcript for the opportunity and provisional opportunity levels, if applicable;

(ii) Include the high school Hathaway GPA as defined in section 2(r) of these rules;

(iii) Include a college entrance exam or WorkKeys score:

(A) The college entrance exam with state-allowed accommodations score shall not appear on the student transcript.

(B) College entrance exam/WorkKeys scores from the state-administered test date shall appear on each student's transcript pursuant to W.S. 21-3-110(a)(xxix). Results from the college entrance exam/WorkKeys taken at other times may appear on the transcript;

(iv) Include the level of Hathaway Success Curriculum completed; and

(v) Include the student's WISER ID.

(c) Eligible institutions shall rely exclusively on the high school Hathaway GPA calculated by districts to determine whether the student meets Hathaway GPA requirements.

#### **Section 11. Home-Schooled Students and High School Equivalency Certificate.**

(a) Students who have successfully completed a home-based educational program shall be eligible for Hathaway Scholarships if the student meets the following criteria:

- (i) The student has completed a curriculum that meets the success curriculum requirements;
  - (ii) The student applies for the Hathaway Scholarship before reaching age twenty-one (21);
  - (iii) The student submits to the eligible institution proof of coursework completion that the institution requires as well as the college entrance exam or WorkKeys scores.
- (b) Students who complete a home-based educational program who also receive an HSEC test score shall be considered home-schooled students.
- (c) A student who has not graduated high school or completed a home-based educational program shall receive the minimum standard score on an HSEC test authorized by the Wyoming Community College Commission. Eligibility under this subsection requires that the following criteria are met:
- (i) The HSEC was completed while residing in Wyoming; and
  - (ii) The applicant was a student of record at an eligible high school prior to receiving an HSEC.
- (d) For the purposes of eligibility and the application deadline, a person who earns an HSEC shall be deemed to have the same graduation date as his ninth grade cohort.
- (e) Students earning an HSEC shall submit to the eligible institution at the time of application their official HSEC transcripts and the college entrance exam or WorkKeys scores.

**Section 12. Provisional Eligibility and Final Eligibility.**

- (a) Provisional eligibility shall be determined by the eligible institution based on curriculum, the high school Hathaway GPA evident in the student's most current transcript, and the college entrance exam or WorkKeys scores from the state-sponsored test day or highest score listed on the transcript or submitted to the eligible institution.
- (b) Final eligibility shall be determined by the eligible institution based on high school verification of completed curriculum, high school Hathaway GPA, and the college entrance exam/WorkKeys scores.
- (c) At the time the institution officially notifies the student of his Hathaway Scholarship award, the institution shall include with the notification information on the origin of the Hathaway Scholarship program and Stanley K. Hathaway, including biographical data and a description of his commitment to the State of Wyoming and to the promise of the youth of the State.

(d) Students who apply for the Hathaway Need-Based Scholarship shall annually submit a FAFSA in time for the report to be received by the institution's federal processor before the beginning of the semester.

(e) The eligible institution shall confer directly with high schools to resolve any issues that may arise during the application process.

**Section 13. Grades of Students.** No person shall change, revise, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving the Hathaway Scholarship or increasing the level of Hathaway eligibility or continuing Hathaway eligibility.

**Section 14. Transferring students.** Students transferring from one eligible institution to another may maintain Hathaway Scholarship awards by requesting that the institution from which they are transferring provide an official transcript to the new institution. The transcript or an attachment to the transcript shall include:

(a) A list of all semesters for which the student was eligible and received a Hathaway Scholarship; and

(b) Grades for all non-remedial academic courses completed since initiation of a Hathaway Scholarship.

**Section 15. Hathaway Need-Based Scholarship.**

(a) To qualify for a need-based scholarship, students shall first be eligible to receive one of the Hathaway Merit Scholarships and shall additionally be eligible for federal financial aid as determined by the eligible institution.

(b) The eligible institution shall determine unmet financial need annually for each student no later than the end of the sixth (6<sup>th</sup>) week of the semester in which the student first enrolls for the academic year.

(c) Unmet need is calculated in the following manner:

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

(ii) Subtract from the COA the estimated family financial contribution determined by the eligible institution;

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

(iv) Subtract any additional grants or scholarships the student will receive.

This result is the annual unmet need.

(d) 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.

(e) If a student's annual unmet need is greater than \$2,000.00, the student shall receive an award pursuant to W.S. 21-16-1306.

(f) The need-based Scholarship shall be recalculated annually. If the student meets financial requirements for the need-based Scholarship, it shall continue as long as the student remains eligible for a Hathaway Merit Scholarship.

#### **Section 16. Maintaining Scholarship Eligibility.**

(a) Each of the following is required to maintain scholarship eligibility and remedial courses shall not be counted in making any of the following determinations:

(i) Continuous enrollment: If a student fails to remain continuously enrolled, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated under the provisions contained in section 17 of these rules or an exception is granted by the Department or its designee for active military service, religious service, or other good cause as shown under section 18 of these rules. Students whose scholarships are extended pursuant to W.S. 21-16-1305(a)(iii) shall also meet the requirements of this section.

(ii) Satisfactory Academic Progress (SAP): A student's hours for purposes of SAP shall be the hours enrolled at the census date used to determine the State's obligation to reimburse the eligible institution for the student's scholarship under these rules and regulations. These hours are also used to establish the earned-hours requirement of SAP in order to maintain scholarship eligibility.

(A) SAP shall be monitored at the end of each spring semester/term.

(B) If a student fails to make SAP, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated under the provisions contained in section 17 of these rules or the Department grants an exception for good cause under section 18 of these rules.

(iii) The eligible institution shall calculate the post-secondary Hathaway GPA at the end of each spring term using the grades for all eligible institutions the student has attended since accepting and using the Hathaway Scholarship.

(A) If a student fails to maintain the minimum post-secondary Hathaway GPA for that student's award category, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated.

(B) College courses taken before the student initiated the Hathaway Scholarship are excluded from the post-secondary Hathaway GPA calculation.

(iv) The six-year eligibility period is not extended by periods of non-eligibility.

**Section 17. Reinstatement of Scholarship Eligibility.** A student who becomes ineligible due to failure to meet the requirements of continuous enrollment, satisfactory academic progress, or the post-secondary Hathaway GPA; who has not exceeded the applicable maximum full-time equivalent semesters or maximum scholarship eligibility time periods; and who is otherwise eligible for the awarded scholarship may restore scholarship eligibility for the first academic term following the term during which the student meets the following requirements:

(a) Achieves the cumulative grade point average required by the applicable lost scholarship;

(b) Reestablishes continuous enrollment by completing one academic term as either a full- or part-time student, whichever applies as determined by the eligible institution; and

(c) Attains satisfactory academic progress during an academic term or summer session by attempting and completing at least six (6) non-remedial credit hours.

**Section 18. Appeal of Initial and Continuing Eligibility Decisions.**

(a) The following decisions concerning initial scholarship eligibility are subject to the appeals process described in this section:

(i) Ineligibility because the student did not graduate from an eligible high school and is not otherwise eligible as a home-schooled student or HSEC holder;

(ii) Ineligibility because the student did not apply for a scholarship within forty-eight (48) months of his high school graduation or completing home-based coursework pursuant to W.S. 21-16-1308(b)(iii);

(iii) Ineligibility because the student's coursework does not meet success curriculum requirements; and

(iv) Ineligibility because the student is incarcerated or has been convicted of a felony.

(b) The following decisions concerning continuing scholarship eligibility are subject to the appeals process described in this section:

(i) Ineligibility because the student exceeded the limit of the equivalent of



eight (8) full-time semesters;

(ii) Ineligibility because six (6) academic years following the student's initial eligibility have elapsed;

(iii) Ineligibility because the student failed to maintain continuous enrollment for not less than two (2) semesters in each successive academic year;

(iv) Ineligibility because the student failed to maintain satisfactory academic progress;

(v) Ineligibility because the student failed to maintain the cumulative grade point average required by the student's scholarship; and

(vi) Ineligibility because the student becomes incarcerated, adjudged guilty of a felony, or adjudged to have violated the terms of his probation or parole.

(c) Except for decisions regarding felony conviction (or because the applicant violated terms or conditions of probation or parole), an applicant may appeal an institution's eligibility determination by petitioning the institution for a review of its original decision. An applicant may appeal the institution's final decision to the Department as provided in this section.

(d) An applicant who is ineligible due to felony conviction (or because the applicant violated terms or conditions of probation or parole) may appeal directly to the Department without first petitioning the institution for a review of its original decision. The Department shall not grant exceptions unless the applicant is currently meeting all terms and conditions of probation or parole and is otherwise eligible for a scholarship.

(e) When reviewing determinations made by eligible institutions, the Department may consider evidence not considered by the eligible institution.

(f) When reviewing determinations made by eligible institutions, the Department may consider whether good cause is a proper basis for granting exceptions to provisions contained in statute or rules to the extent authorized by law. Good cause determinations shall be made on a case-by-case basis.

(g) The applicant wishing to appeal the final decision of an eligible institution shall submit a request for appeal in writing to the eligible institution within 30 days of the institution's final decision. The eligible institution shall submit the request to the Department. The request shall include:

(i) Name, mailing address, contact information, and scholarship level sought by the student;

(ii) A short, concise statement identifying the exception being requested and the reasons supporting an exception; and

(iii) All documents, papers, or other materials that support the statements made or are in any other way pertinent to the matter.

(h) The Department shall consider all information and materials presented and make an independent decision regarding the request. The Department shall issue its decision in writing within forty-five (45) days of the Department receiving the materials. The Department's decision is final agency action subject to judicial review under W.S. 16-3-114(a).

### **Section 19. Scholarship Timeframe and Special Term.**

(a) Except pursuant to W.S. 21-16-1303(f), eligibility shall not extend beyond ninety-six (96) credit hours or extend to any semesters that begin six (6) academic years after initial eligibility begins unless an exception is granted in accordance with section 18 of these rules and regulations.

(b) For summer and special terms, students may receive an award amount equal to the proportion of the per-semester scholarship amount that the number of semester hours enrolled bears to twelve (12). Scholarships during summer and special terms will count toward the total maximum scholarship amount for which the student is qualified at the time of the last eligible academic semester or semesters. Summer and special term awards under this section are limited to less than six (6) semester hours.

### **Section 20. Payment to Institutions.**

(a) The Department shall make prepayments to institutions equal to 75% of the total amount that institution received the preceding semester. The Department shall 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 by January 15.

(b) Within thirty (30) days of the beginning of each semester, the community colleges shall submit to the Commission a list of students enrolled in the institutions who qualify for Hathaway Merit and Need-Based Scholarships and the amount for which they qualify.

(c) Within fourteen (14) days of receiving the last student data list from the community colleges, the Commission shall verify that 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.

(d) Within forty-five (45) days of the beginning of each semester, the University of Wyoming shall provide to the Department a certified list of students enrolled at the University who qualify for Hathaway Merit and Need-Based Scholarships, and the amount for which they

qualify.

(e) The lists submitted to the Department from the eligible institutions shall include the following data elements:

- (i) Student name, birth date, and gender;
- (ii) WISER ID;
- (iii) Name of the institution;
- (iv) Hathaway Scholarship category;
- (v) Number of non-remedial credit hours enrolled;
- (vi) Semester identifier; and
- (vii) High school graduation year.

(f) Upon receiving the two student lists, the Department shall verify that there is no duplication of students between the community colleges and the University of Wyoming.

(i) The Department shall report any duplication of students to the institutions and the Commission. The institutions, in coordination with the Commission, shall research and resolve the problem, if any, and submit final lists back to the Department.

(ii) If it is determined a student is properly attending multiple eligible institutions, the Department shall award the entire Hathaway Scholarship for which the student qualifies to the eligible institution designated in the student's consortium agreement as the home institution.

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

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

(i) Students receiving a Hathaway Scholarship for a summer or special term shall be included with the institution's next academic term calculations.

## **Section 21. Data Gathering.**

(a) In consultation with the financial aid officers and registrars of the eligible institutions or their designees, the Department shall develop annual reporting procedures for

purposes of policy analysis and program evaluation. The annual report on the Hathaway Scholarship Program shall be presented by the Department in accordance with the budget timeframes specified in W.S. 9-2-1014.

(b) No institution shall be eligible to receive scholarship funds if it does not report data as the Department directs.

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

(d) Wyoming community colleges shall submit the required information to the Commission, which shall submit to the Department individual college information and a summative report of all college data.

**Section 22. Award Procedures.** Students attending more than one (1) eligible institution shall enter into a consortium agreement with the institutions. The agreement shall designate a home institution to be paid the entire Hathaway Scholarship amount for which the student qualified. The student shall be responsible for making proper payment to the host institution.

(a) The home institution shall be responsible for reporting disbursement of funds for the consortium student, and all institutions shall remit student enrollment and performance data to the Department.

(b) Other parties to the consortium agreement shall cooperate with the home institution to fulfill data reporting requirements.

**Section 23. Promotion of Hathaway Scholarship Program and Eighth-Grade Unit of Study.**

(a) All Wyoming eighth grade students shall be presented a one (1) week unit of instruction that provides an overview of the high school curriculum required to be successful for postsecondary work, standardized test requirements, scholarship availability including the Hathaway Scholarship, the requirements to earn the Hathaway Scholarship, and the effect of education on earning potential pursuant to W.S. 21-16-1308(b)(i)(C) through (D). Additional information about Stanley K. Hathaway, including biographical data and a description of his commitment to the State of Wyoming and to the promise of the youth of the State, shall be included.

(b) High schools shall be responsible for verifying whether or not students are on track to meet or have met Hathaway Scholarship curriculum requirements.

**Wyoming Department of Education**  
**Chapter 38**  
**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. Definitions.**

(a) “College Entrance Exam-~~ACT~~ Score” means the composite score the student earns on the college entrance ~~ACT~~ exam, irrespective of whether the exam was provided by the state. ~~ACT~~ The college entrance exam includes the residual ~~ACT~~ college entrance exam and the ~~ACT~~ college entrance exam taken with state-allowed accommodations.

(b) “Applicant” means a person who has submitted a complete application including all required documentation.

(c) “Attempted Hours” means the number of non-remedial hours the student enrolls in, both graded and non-graded, as of the census date.

(d) “Award” means the monetary commitment made to an applicant for financial aid under the Hathaway Scholarship Program.

(e) “Census Date” means the date established by each eligible institution for the administration of federal aid programs.

(f) “College or Industry Preparatory Courses” means courses that provide the knowledge and skills of the core academic content and the skills of interpersonal communication, knowledge acquisition skills, and life skills to enable the student to perform in the world of college and industry as determined by the Wyoming Department of Education.

(g) “Commission” means the Wyoming Community College Commission.

(h) “Continuous Enrollment” means enrollment of not less than two (2) consecutive semesters and at least one college-level credit in an academic year at an eligible institution.

(i) “Cost of Attendance” (COA) means the sum of the cost of tuition before adjustment, mandatory fees, room and board, books and supplies, travel, and personal expenses to attend an eligible institution as determined annually by the institution in accordance with W.S. 21-16-1306(b).

(j) “Earned Hours” means the hours for which a student has earned non-remedial credit.

(k) “Eligible Institution” means the University of Wyoming or a Wyoming community college.

(l) “Eligible Term” means the fall or spring term in which the student’s program of study is offered by an eligible institution

(m) “Full-Time Semester” or “Equivalent of a Full-Time Semester” means twelve (12) or more semester hours of academic study undertaken in a semester or term, excluding remedial academic courses.

(n) “Full-Time Student” means a student who is enrolled in at least twelve (12) semester hours of academic study in each academic term in an eligible institution, excluding remedial academic courses.

(o) “Functional Equivalent” means a course approved by the Wyoming Department of Education that addresses the same content standards and substantial components of a named course within the success curriculum.

(p) “Good Cause” means the existence of unusual and extraordinary circumstances that affect a student’s ability to meet eligibility requirements. Examples include, but are not limited to, personal accident, illness, or death or tragedy in the immediate family.

~~(q) “Hathaway GPA” means the post-secondary GPA used to determine continuing eligibility as determined by section 16 of these rules.~~

(q) “High School Equivalency Certificate” (HSEC) means any certificate earned through successful completion of any high school equivalency assessment authorized by the Wyoming Community College Commission.

(r) “High School Hathaway GPA” means the cumulative, ~~unweighted~~, unrounded GPA calculation of all high school courses for which a student earns credit on their official high school transcript taken in grades nine (9) through twelve (12) on a four point scale, truncated to two decimal places and calculated in the following manner:

(i) weighted courses will be calculated on a five-point (5.0) scale;

(ii) non-weighted courses will be calculated on a standard four-point (4.0) scale.

(s) “High School Graduating Class” means students completing their high school courses of study any time during the year certified by the high school as their year of graduation.

(t) “Home-Based Educational Program” means a program of educational instruction that meets the requirements of a basic educational program pursuant to W.S. 21-4-101(a)(vi).

(u) “Part-Time Student” means a student who is enrolled for at least six (6) but less than twelve (12) semester hours of academic study in each academic term in an eligible institution, excluding remedial academic courses.

(v) “Post-Secondary Hathaway GPA” means the post-secondary GPA used to determine continuing eligibility in accordance with Section 16 of these rules.

(w) “Professional Degree” means a degree earned through a program offered by a Wyoming community college that is both necessary and sufficient, excluding any licensing requirements, to enter a particular profession.

(x) “Provisional Eligibility” means the determination by an eligible institution that an applicant for a Hathaway scholarship meets preliminary scholarship requirements.

(y) “Satisfactory Academic Progress” (SAP) means earning at least six (6) non-remedial semester hours per semester if attempted hours are at least six (6) but less than twelve (12) semester hours or earning at least twelve (12) non-remedial semester hours per semester if twelve (12) or more semester hours are attempted and any other criteria as established by the eligible institution.

(z) “Semester Hour” means each non-remedial semester hour attempted for credit toward a degree or certificate, excluding any semester hours attempted before the initial use of a Hathaway Scholarship.

(aa) “Special Term” means any period of time in which a course is offered that is not a summer, fall, or spring term.

(bb) “Unmet Financial Need” means the cost of attendance (COA) minus the sum of expected family contribution and all federal, state, local, institutional, or private scholarships or grants received by the student, as determined by the eligible institution.

(cc) “Weighted Course” means Advanced Placement (AP) courses approved by the College Board, International Baccalaureate (IB) courses approved by the IB Organization, and dual and/or concurrent courses offered by a post-secondary institution that are 1000-level or higher. Weighted courses are calculated on a student’s official high school transcript using a five-point (5.0) scale.

(dd) “WISER ID” means Wyoming Integrated Statewide Education Record Identifier, which allows tracking of individual student records from secondary institutions to post-secondary institutions for Hathaway Scholarship Program studies and reporting per W.S. 21-16-1308(c).

(ee) “WorkKeys Score” means the total level score from the “~~Reading for Information Workplace Documents, Applied Mathematics, and Locating Information~~ Graphic Literacy” assessments.

### **Section 3. Eligibility.**

(a) To be initially eligible for the Hathaway Scholarship as a high school graduate, a student shall meet the requirements stated in W.S. 21-16-1303(b) through (e).

(b) Districts shall submit in a form and manner required by the Department a list of courses aligned with statewide content and performance standards that satisfy the success curriculum requirements as described in Sections 6, 7, and 8 of these rules.

(c) The Department shall approve courses that meet the Hathaway success curriculum requirements including:

~~(i) Meet success curriculum requirements;~~

(i) ~~Are~~ courses designated by districts as functional equivalents of the success curriculum ~~courses~~ and satisfy the success curriculum requirements;

(ii) ~~Are~~ college or industry preparatory courses that satisfy success curriculum requirements; ~~and or~~

(iii) ~~Are~~ math and foreign language courses available to students before grade nine (9) and satisfy success curriculum requirements.

(d) All high school courses for which a student earns credit on their official high school transcript shall be included in the High School Hathaway GPA, and the following courses shall be weighted on a five-point (5.0) scale:

(i) AP courses approved by the College Board;

(ii) IB courses approved by the IB Organization; and,

(iii) Dual and/or concurrent courses offered by a post-secondary institution that are 1000-level or higher.

(e) All courses described under subsection (d) of this section shall have a unique designation on a student’s high school transcript and the Hathaway-approved course list.

(f) The High School Hathaway GPA must be notated on the student’s official high school transcript and labeled as “Hathaway GPA.”



(g) Districts shall provide appropriate accommodations, related services, specialized instruction, and supplementary aids and services to students with an individual education program (IEP) or a federal 504 designation pursuant to state and federal law. Courses meeting these requirements that also align to the Wyoming Content Standards at each grade level satisfy the requirements of a modified course within the Hathaway Success Curriculum per W.S. 21-16-1307(f)(iii).

(h) Districts shall ensure that any out-of-state placement of students who reside in their district is accompanied by a placement agreement that assures the out-of-state school district will provide student transcripts as required by W.S. 21-16-1308(a)(ii) and that the out-of-state school or district will cooperate in verifying that its coursework will satisfy the success curriculum requirements established under W.S. 21-16-1307.

(i) On a case-by-case basis, in the manner and form directed by the Department, the Department may grant exceptions to specific coursework requirements within the success curriculum as allowed by statute and these rules for students attending or graduating from an eligible high school or a home-based educational program.

(j) All Hathaway scholarship recipients shall notify the institution if they are convicted of a felony or a court finds that they have violated the terms or conditions of probation or parole. If the institution is informed pursuant to this subsection, the eligible institution shall suspend the scholarship. The scholarship may be reinstated if the Department grants a request for an exception to W.S. 21-16-1303(d)(vi) as provided in section 18(d) of this chapter.

#### **Section 4. Honor, Performance, Opportunity Scholarship Requirements.**

(a) Applicants who are high school graduates shall complete all eligibility requirements set forth in W.S. 21-16-1304.

(b) Applicants who have earned an HSEC shall meet the minimum score on an HSEC as determined by the Commission and a composite ~~ACT~~ college entrance exam score as defined in W.S. 21-16-1304 and W.S. 21-16-1308(b)(iv).

(c) Applicants who have completed a home-based educational program shall complete all eligibility requirements set forth in W.S. 21-16-1304 and W.S. 21-16-1308(b)(iii).

(d) A scholarship awarded under this section for attendance at a Wyoming community college for four (4) full-time semesters may be extended for continued attendance at the University of Wyoming or a Wyoming community college if the student is otherwise eligible for that scholarship. A student may be eligible for the extended semesters of use at a Wyoming community college if:

(i) The student has completed the requisite academic program, that is, either received a certificate or degree, or be eligible to enroll in the professional degree program;

- (ii) The student intends to enroll in a professional degree program; and
- (iii) The professional degree program is offered by a Wyoming community college.

**Section 5. Provisional Opportunity Scholarship Requirements.**

(a) The initial Provisional Opportunity Scholarship provides the equivalent of four (4) full-time semesters of enrollment in a certificate or degree program at a Wyoming community college.

(b) Applicants who are high school graduates shall complete all eligibility requirements set forth in W.S. 21-16-1305.

(c) Applicants who have earned an HSEC shall meet the minimum score on an HSEC as determined by the Commission and a composite ACT college entrance exam score as defined in W.S. 21-16-1305 and W.S. 21-16-1308(b)(iv).

(d) Applicants who have completed a home-based educational program shall complete all eligibility requirements set forth in W.S. 21-16-1305 and W.S. 21-16-1308(b)(iii).

(e) Students may be eligible for an additional Provisional Opportunity Scholarship that may be used at an eligible institution as defined in W.S. 21-16-1305(a)(iii) provided that the student meets all eligibility requirements.

(i) Students who earn a certificate or a degree at a community college may be eligible for an additional provisional opportunity scholarship to use toward a degree or certificate at a community college.

(ii) Students who earn a degree at a community college may extend the scholarship to pursue a degree at the University of Wyoming.

**Section 6. Honor and Performance Scholarship Success Curriculum Requirements.**

(a) ~~Except for students who received an HSEC, h~~Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for a Hathaway Honor or Performance Scholarship as stated in W.S. 21-16-1307.

(b) ~~Additionally, f~~For 2016 graduates or later, pursuant to W.S. 21-16-1307(b)(vi), students in this subsection shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) additional years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the

HSC and verified by the districts.

(ii) Additional foreign language courses shall be taken in grades nine (9) through twelve (12) and do not need to be sequenced.

### **Section 7. Opportunity Scholarship Success Curriculum Requirements.**

(a) ~~Except for students who received an HSEC, h~~Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for an Opportunity Scholarship as stated in W.S. 21-16-1307.

(b) ~~Additionally, f~~For 2016 graduates and later, pursuant to W.S. 21-16-1307(b)(vi), students shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) sequenced years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the HSC and verified by the districts.

(ii) One year of the sequenced foreign language may be taken before grade nine (9).

### **Section 8. Provisional Opportunity Scholarship Success Curriculum Requirements.**

(a) ~~Except for students who received an HSEC, h~~Home-schooled students and eligible high school graduates shall meet the minimum success curriculum requirements to be eligible for a Hathaway Provisional Opportunity Scholarship as stated in W.S. 21-16-1307.

(b) For 2016 graduates and later, pursuant to W.S. 21-16-1307(b)(vi), students shall take an additional two (2) years of career and technical education courses, two (2) years of fine arts courses, or two (2) sequenced years of foreign language.

(i) Career and technical education (CTE) courses and fine arts (FA) courses shall be taken in grades nine (9) through twelve (12). CTE and FA courses shall be listed on the HSC and verified by the districts.

(ii) One year of the sequenced foreign language may be taken prior to grade nine (9).

### **Section 9. Application.**

(a) The student may apply to the eligible institution for the Hathaway Scholarship at the same time the student applies for admission.

(b) The institution shall determine the student's Hathaway Scholarship eligibility.

(c) Eligible institutions shall meet the application process requirements set forth in these rules for scholarship eligibility. Applications shall be in the form prescribed by the Department.

(d) A student shall apply for scholarship within ~~twenty-four (24)~~ forty-eight (48) months ~~from, and shall initiate scholarship within twenty-eight (28) months,~~ of the date of high school graduation as indicated on the student's transcript, and shall initiate scholarship during the next eligible term.

(i) The Department or its designee may grant an exception for students pursuing a baccalaureate of applied science degree who meet requirements set forth in W.S. 21-16-1303(f), and for active military service, religious service, or other good cause shown.

### **Section 10. High School Transcripts.**

(a) Applicants shall request that their high school submit their most current transcript to the eligible institution at the time of their first application, but no sooner than completion of the equivalent of their sixth (6th) high school semester.

(b) The high school sending the transcript to the eligible institution shall:

(i) Designate each course that satisfies success curriculum requirements for Hathaway Scholarships including foreign language or math courses taken before grade nine (9), if applicable. In addition, the school shall document foreign language proficiency on the official transcript for the opportunity and provisional opportunity levels, if applicable;

(ii) Include the high school Hathaway GPA as defined in section 2(~~p-r~~) of these rules;

(iii) Include ~~an ACT~~ a college entrance exam or WorkKeys score:

(A) The ~~ACT~~ college entrance exam with state-allowed accommodations score shall not appear on the student transcript.

(B) ~~ACT~~ College entrance exam/WorkKeys scores from the state-administered test date shall appear on each student's transcript pursuant to W.S. 21-3-110(a)(xxix). Results from ~~ACT~~ the college entrance exam/WorkKeys taken at other times may appear on the transcript;

(iv) Include the level of Hathaway Success Curriculum completed; and

(v) Include the student's WISER ID.

(c) Eligible institutions shall rely exclusively on the high school Hathaway GPA calculated by districts to determine whether the student meets Hathaway GPA requirements.

**Section 11. Home-Schooled Students and High School Equivalency Certificate.**

(a) Students who have successfully completed a home-based educational program shall be eligible for Hathaway Scholarships if the student meets the following criteria:

(i) The student has completed a curriculum that meets the success curriculum requirements;

(ii) The student applies for the Hathaway Scholarship before reaching age twenty-one (21);

(iii) The student submits to the eligible institution proof of coursework completion that the institution requires as well as ~~ACT~~ the college entrance exam or WorkKeys scores.

(b) Students who complete a home-based educational program who also receive an HSEC test score shall be considered home-schooled students.;

(c) A student who has not graduated high school or completed a home-based educational program shall receive the minimum standard score on an HSEC test authorized by the Wyoming Community College Commission. Eligibility under this subsection requires that the following criteria are met:

(i) The HSEC was completed while residing in Wyoming; and

(ii) The applicant was a student of record at an eligible high school prior to receiving an HSEC.

(d) For the purposes of eligibility and the application deadline, a person who earns an HSEC shall be deemed to have the same graduation date as his ninth grade cohort.

(e) Students earning an HSEC shall submit to the eligible institution at the time of application their official HSEC transcripts and ~~ACT~~ the college entrance exam or WorkKeys scores.

**Section 12. Provisional Eligibility and Final Eligibility.**

(a) Provisional eligibility shall be determined by the eligible institution based on curriculum, the high school Hathaway GPA evident in the student's most current transcript, and ~~ACT~~ the college entrance exam or WorkKeys scores from the state-sponsored test day or highest score listed on the transcript or submitted to the eligible institution.

(b) Final eligibility shall be determined by the eligible institution based on high school verification of completed curriculum, high school Hathaway GPA, and ACT the college entrance exam/WorkKeys scores.

(c) At the time the institution officially notifies the student of his Hathaway Scholarship award, the institution shall include with the notification information on the origin of the Hathaway Scholarship program and Stanley K. Hathaway, including biographical data and a description of his commitment to the State of Wyoming and to the promise of the youth of the State.

(d) Students who apply for the Hathaway Need-Based Scholarship shall annually submit a FAFSA in time for the report to be received by the institution's federal processor before the beginning of the semester.

(e) The eligible institution shall confer directly with high schools to resolve any issues that may arise during the application process.

**Section 13. Grades of Students.** No person shall change, revise, or modify in any manner any education record for the sole purpose of increasing the possibility of receiving the Hathaway Scholarship or increasing the level of Hathaway eligibility or continuing Hathaway eligibility.

**Section 14. Transferring students.** Students transferring from one eligible institution to another may maintain Hathaway Scholarship awards by requesting that the institution from which they are transferring provide an official transcript to the new institution. The transcript or an attachment to the transcript shall include:

(a) A list of all semesters for which the student was eligible and received a Hathaway Scholarship; and

(b) Grades for all non-remedial academic courses completed since initiation of a Hathaway Scholarship.

**Section 15. Hathaway Need-Based Scholarship.**

(a) To qualify for a need-based scholarship, students shall first be eligible to receive one of the Hathaway Merit Scholarships and shall additionally be eligible for federal financial aid as determined by the eligible institution.

(b) The eligible institution shall determine unmet financial need annually for each student no later than the end of the ~~third~~ sixth (6<sup>th</sup>) week of the semester in which the student first enrolls for the academic year.

(c) Unmet need is calculated in the following manner:

- (i) Determine the institution's cost of attendance (COA) before adjustments;
  - (ii) Subtract from the COA the estimated family financial contribution determined by the eligible institution;
  - (iii) Subtract the appropriate annual Hathaway merit award for which the student is eligible; and
  - (iv) Subtract any additional grants or scholarships the student will receive. This result is the annual unmet need.
- (d) 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.
- (e) If a student's annual unmet need is greater than \$2,000.00, the student shall receive an award pursuant to W.S. 21-16-1306.
- (f) The need-based Scholarship shall be recalculated annually. If the student meets financial requirements for the need-based Scholarship, it shall continue as long as the student remains eligible for a Hathaway Merit Scholarship.

#### **Section 16. Maintaining Scholarship Eligibility.**

(a) Each of the following is required to maintain scholarship eligibility and remedial courses shall not be counted in making any of the following determinations:

(i) Continuous enrollment: If a student fails to remain continuously enrolled, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated under the provisions contained in section 17 of these rules or an exception is granted by the Department or its designee for active military service, religious service, or other good cause as shown under section 18 of these rules. Students whose scholarships are extended pursuant to W.S. 21-16-1305(a)(iii) shall also meet the requirements of this section.

(ii) Satisfactory Academic Progress (SAP): A student's hours for purposes of SAP shall be the hours enrolled at the census date used to determine the State's obligation to reimburse the eligible institution for the student's scholarship under these rules and regulations. These hours are also used to establish the earned\_hours requirement of SAP in order to maintain scholarship eligibility.

(A) SAP shall be monitored at the end of each spring semester/term.

(B) If a student fails to make SAP, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated under the provisions contained in section 17 of these rules or the Department grants an exception for

good cause under section 18 of these rules.

(iii) The eligible institution shall calculate the post-secondary Hathaway GPA at the end of each spring term using the grades for all eligible institutions the student has attended since accepting and using the Hathaway Scholarship.

(A) If a student fails to maintain the minimum post-secondary Hathaway GPA for that student's award category, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated.

(B) College courses taken before the student initiated the Hathaway Scholarship are excluded from the post-secondary Hathaway GPA calculation.

(iv) The six-year eligibility period is not extended by periods of non-eligibility.

**Section 17. Reinstatement of Scholarship Eligibility.** A student who becomes ineligible due to failure to meet the requirements of continuous enrollment, satisfactory academic progress, or the post-secondary Hathaway GPA; who has not exceeded the applicable maximum full-time equivalent semesters or maximum scholarship eligibility time periods; and who is otherwise eligible for the awarded scholarship may restore scholarship eligibility for the first academic term following the term during which the student meets the following requirements:

(a) Achieves the cumulative grade point average required by the applicable lost scholarship;

(b) Reestablishes continuous enrollment by completing one academic term as either a full- or part-time student, whichever applies as determined by the eligible institution; and

(c) Attains satisfactory academic progress during an academic term or summer session by attempting and completing at least six (6) non-remedial credit hours.

**Section 18. Appeal of Initial and Continuing Eligibility Decisions.**

(a) The following decisions concerning initial scholarship eligibility are subject to the appeals process described in this section:

(i) Ineligibility because the student did not graduate from an eligible high school and is not otherwise eligible as a home-schooled student or HSEC holder;

(ii) Ineligibility because the student did not apply for a scholarship within ~~twenty-four (24)~~ forty-eight (48) months of his high school graduation or completing home-based coursework pursuant to W.S. 21-16-1308(b)(iii);

(iii) Ineligibility because the student's coursework does not meet success



curriculum requirements; and

(iv) Ineligibility because the student is incarcerated or has been convicted of a felony.

(b) The following decisions concerning continuing scholarship eligibility are subject to the appeals process described in this section:

(i) Ineligibility because the student exceeded the limit of the equivalent of eight (8) full-time semesters;

(ii) Ineligibility because six (6) academic years following the student's initial eligibility have elapsed;

(iii) Ineligibility because the student failed to maintain continuous enrollment for not less than two (2) semesters in each successive academic year;

(iv) Ineligibility because the student failed to maintain satisfactory academic progress;

(v) Ineligibility because the student failed to maintain the cumulative grade point average required by the student's scholarship; and

(vi) Ineligibility because the student becomes incarcerated, adjudged guilty of a felony, or adjudged to have violated the terms of his probation or parole.

(c) Except for decisions regarding felony conviction (or because the applicant violated terms or conditions of probation or parole), an applicant may appeal an institution's eligibility determination by petitioning the institution for a review of its original decision. An applicant may appeal the institution's final decision to the Department as provided in this section.

(d) An applicant who is ineligible due to felony conviction (or because the applicant violated terms or conditions of probation or parole) may appeal directly to the Department without first petitioning the institution for a review of its original decision. The Department shall not grant exceptions unless the applicant is currently meeting all terms and conditions of probation or parole and is otherwise eligible for a scholarship.

(e) When reviewing determinations made by eligible institutions, the Department may consider evidence not considered by the eligible institution.

(f) When reviewing determinations made by eligible institutions, the Department may consider whether good cause is a proper basis for granting exceptions to provisions contained in statute or rules to the extent authorized by law. Good cause determinations shall be made on a case-by-case basis.

(g) The applicant wishing to appeal the final decision of an eligible institution shall submit a request for appeal in writing to the eligible institution within 30 days of the institution's final decision. The eligible institution shall submit the request to the Department. The request shall include:

(i) Name, mailing address, contact information, and scholarship level sought by the student;

(ii) A short, concise statement identifying the exception being requested and the reasons supporting an exception; and

(iii) All documents, papers, or other materials that support the statements made or are in any other way pertinent to the matter.

(h) The Department shall consider all information and materials presented and make an independent decision regarding the request. The Department shall issue its decision in writing within forty-five (45) days of the Department receiving the materials. The Department's decision is final agency action subject to judicial review under W.S. 16-3-114(a).

#### **Section 19. Scholarship Timeframe and Special Term.**

(a) Except pursuant to W.S. 21-16-1303(f), eligibility shall not extend beyond ninety-six (96) credit hours or extend to any semesters that begin six (6) academic years after initial eligibility begins unless an exception is granted in accordance with section 18 of these rules and regulations.

(b) For summer and special terms, students may receive an award amount equal to the proportion of the per-semester scholarship amount that the number of semester hours enrolled bears to twelve (12). Scholarships during summer and special terms will count toward the total maximum scholarship amount for which the student is qualified at the time of the last eligible academic semester or semesters. Summer and special term awards under this section are limited to less than six (6) semester hours.

#### **Section 20. Payment to Institutions.**

(a) The Department shall make prepayments to institutions equal to 75% of the total amount that institution received the preceding semester. The Department shall 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 by January 15.

(b) Within thirty (30) days of the beginning of each semester, the community colleges shall submit to the Commission a list of students enrolled in the institutions who qualify for Hathaway Merit and Need-Based Scholarships and the amount for which they qualify.

(c) Within fourteen (14) days of receiving the last student data list from the community colleges, the Commission shall verify that 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.

(d) Within forty-five (45) days of the beginning of each semester, the University of Wyoming shall provide to the Department a certified list of students enrolled at the University who qualify for Hathaway Merit and Need-Based Scholarships, and the amount for which they qualify.

(e) The lists submitted to the Department from the eligible institutions shall include the following data elements:

- (i) Student name, birth date, and gender;
- (ii) WISER ID;
- (iii) Name of the institution;
- (iv) Hathaway Scholarship category;
- (v) Number of non-remedial credit hours enrolled;
- (vi) Semester identifier; and
- (vii) High school graduation year.

(f) Upon receiving the two student lists, the Department shall verify that there is no duplication of students between the community colleges and the University of Wyoming.

(i) The Department shall report any duplication of students to the institutions and the Commission. The institutions, in coordination with the Commission, shall research and resolve the problem, if any, and submit final lists back to the Department.

(ii) If it is determined a student is properly attending multiple eligible institutions, the Department shall award the entire Hathaway Scholarship for which the student qualifies to the eligible institution designated in the student's consortium agreement as the home institution.

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

(h) Any prepayment that exceeds the amount actually due to the institution for any

semester shall be calculated by the Department and deducted from the institution's next payment.

(i) Students receiving a Hathaway Scholarship for a summer or special term shall be included with the institution's next academic term calculations.

**Section 21. Data Gathering.**

(a) In consultation with the financial aid officers and registrars of the eligible institutions or their designees, the Department shall develop annual reporting procedures for purposes of policy analysis and program evaluation. The annual report on the Hathaway Scholarship Program shall be presented by the Department in accordance with the budget timeframes specified in W.S. 9-2-1014.

(b) No institution shall be eligible to receive scholarship funds if it does not report data as the Department directs.

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

(d) Wyoming community colleges shall submit the required information to the Commission, which shall submit to the Department individual college information and a summative report of all college data.

**Section 22. Award Procedures.** Students attending more than one (1) eligible institution shall enter into a consortium agreement with the institutions. The agreement shall designate a home institution to be paid the entire Hathaway Scholarship amount for which the student qualified. The student shall be responsible for making proper payment to the host institution.

(a) The home institution shall be responsible for reporting disbursement of funds for the consortium student, and all institutions shall remit student enrollment and performance data to the Department.

(b) Other parties to the consortium agreement shall cooperate with the home institution to fulfill data reporting requirements.

**Section 23. Promotion of Hathaway Scholarship Program and Eighth-Grade Unit of Study.**

(a) All Wyoming eighth grade students shall be presented a one (1) week unit of instruction that provides an overview of the high school curriculum required to be successful for postsecondary work, standardized test requirements, scholarship availability including the Hathaway Scholarship, the requirements to earn the Hathaway Scholarship, and the effect of education on earning potential pursuant to W.S. 21-16-1308(b)(i)(C) through (D). Additional information about Stanley K. Hathaway, including biographical data and a description of his

commitment to the State of Wyoming and to the promise of the youth of the State, shall be included.

(b) High schools shall be responsible for verifying whether or not students are on track to meet or have met Hathaway Scholarship curriculum requirements.