



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised June 2020

<b><u>1. General Information</u></b>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b><u>2. Legislative Enactment</u></b> For purposes of this Section 2, "new" only applies to regular non-emergency 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<b><u>3. Rule Type and Information</u></b> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Wyoming Department of Education  
Chapter 38 Rules  
Hathaway Scholarship Program  
Statement of Principal Reasons

During the 2021 legislative session, one new law passed requiring changes to the Chapter 38 rules. Enrolled Act 29 authorizes additional courses taken prior to grade nine to qualify for the Hathaway success curriculum. This bill requires the Department to revise rules, regulations, and minor changes to current laws.

**Chapter 38**  
**Hathaway Scholarship Program**  
**Wyoming Department of Education**

**Section 1. Authority.** These rules are promulgated by the Wyoming Department of Education pursuant to Wyoming Statute 21-16-1301 through 21-16-1310.

**Section 2. Definitions.**

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

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

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

(d) “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 composite is the process of averaging the highest score from each section. The college entrance exam includes the residual college entrance exam and the college entrance exam taken with state-allowed accommodations.

(e) “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.

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

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

(h) “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).

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

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

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

(l) “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.

(m) “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.

(n) “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.

(o) “Good Cause” means the existence of unusual and extraordinary circumstances that affect a student’s ability to meet eligibility requirements.

(p) “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.

(q) “High School Hathaway GPA” means the cumulative, unrounded GPA calculation of all courses taken in grades nine (9) through twelve (12) truncated to two decimal places and calculated in the following manner: weighted courses will be calculated on a five-point scale; all non-weighted courses taken in grades nine (9) through twelve (12) will be calculated on a standard four-point scale.

(r) “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).

(s) “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.

(t) “Post-Secondary Hathaway GPA” means the post-secondary GPA used to determine continuing eligibility as determined by Section 16 of these rules.

(u) “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.

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

(w) “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.

(x) “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.

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

(z) “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.

(aa) “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).

### **Section 3. Initial 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; and

(ii) College or industry preparatory courses that satisfy success curriculum requirements.

(d) Districts shall calculate the High School Hathaway GPA.

(i) Beginning with the 2018-19 school year, all high school courses for which a student earns credits 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:

(A) Advanced Placement (AP) courses approved by the College Board;

(B) International Baccalaureate (IB) courses approved by the IB Organization; and

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

(ii) All other courses shall be weighted on a four-point (4.0) scale.

(iii) The High School Hathaway GPA must be notated on the final student high school transcript and labeled as "Hathaway GPA". Prior to the 2018-19 school year, the unweighted GPA will be used to determine awards.

(e) All courses described under this section shall have a unique designation on students' high school transcripts and be included on the Hathaway-approved course list.

(f) 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).

(g) 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.

(h) 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 through a waiver procedure as allowed by statute and these rules for students attending or graduating from an eligible high school or a home-based educational program.

(i) 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 a Wyoming community college if the student is otherwise eligible for that scholarship. A student may be eligible for the extended semesters of use 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) The career-technical aptitude assessment used to determine eligibility under this section is the WorkKeys assessment.

(f) A student shall obtain a cumulative score of at least twelve (12) points on the Applied Mathematics, Graphic Literacy, and Workplace Documents WorkKeys assessments in order to be eligible under this section.

(g) Students may be eligible for an additional Provisional Opportunity Scholarship that may be used at an eligible institution 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 certificate or degree 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, 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) Students graduating in either the 2018-19 or 2019-20 school years may use either the success curriculum elective pathway as defined by subsection (c) or may replace the elective pathway with two sequenced years of foreign language, which need not be taken consecutively.

(c) Pursuant to W.S. 21-16-1307(b)(vii), students graduating in 2020-21 and beyond must take four years of elective courses, including two sequenced years in either:

(i) Career and technical education (CTE);

(A) CTE course sequences include two years of courses within one of the sixteen national career clusters.

(ii) Fine and performing arts (FPA); or

(A) FPA sequences include two years of content under the same category. FPA categories for Hathaway Scholarship purposes are: theater and dance, visual arts, and music.

(iii) Foreign language

(A) Foreign language courses must be sequenced within the same language.

(iv) The additional two years of elective courses can be taken in any of the above three course categories and are not required to be sequenced or consecutive.

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

(a) Except for students who received an HSEC, 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.

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

(a) Except for students who received an HSEC, 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.

**Section 9. Application.**

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

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

(c) Eligibility will be determined based on the requirements in place at the time of HSEC completion or high school and home-based educational program graduation.

(d) 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.

(e) 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. The Department or its designee may grant an exception for students for military service, religious services, 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, including courses taken before grade nine (9).

(ii) Include the High School Hathaway GPA as calculated in Section 3(d)(i). The High School Hathaway GPA shall be labeled “Hathaway GPA” on the high school transcript.

(iii) Include a college entrance exam or WorkKeys exam 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 submits to the eligible institution proof of coursework completion that the institution requires as well as the college entrance or WorkKeys scores.

(iii) The student applies for the scholarship before reaching age twenty-one (21). The Department or its designee may grant an exception for students for military service, religious services, or other good cause shown.

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

(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.

(i) 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.

(ii) The Department or its designee may grant an exception for students for military service, religious services, or other good cause shown.

(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 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 /WorkKeys scores. Students graduating prior to the 2018-19 school year shall be awarded based on the unweighted, unrounded high school GPA.

(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.**

(a) 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.**

(a) 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:

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

(ii) 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;

(A) Effective July, 2022 pursuant to W.S. 21-16-1306(a)(i)(D) COA shall not exceed the undergraduate 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, at minimum, 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, at a minimum, 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) 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:

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

(ii) 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

(iii) 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 no more less than six (6) semester hours per summer semester.

#### **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.**

(a) 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.

(i) 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.

(ii) 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.

## **Chapter 38**

### **Hathaway Scholarship Program**

**Section 1. Authority.** These rules are promulgated by the Wyoming Department of Education pursuant to Wyoming Statute 21-16-1301 through 21-16-1310.

#### **Section 2. Definitions.**

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

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

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

(d) “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 composite is the process of averaging highest score from each section. The college entrance exam includes the residual college entrance exam and the college entrance exam taken with state-allowed accommodations.

(e) “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.

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

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

(h) “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).

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

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

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

(l) “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.

(m) “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.

(n) “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.

(o) “Good Cause” means the existence of unusual and extraordinary circumstances that affect a student’s ability to meet eligibility requirements.

(p) “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.

(q) “High School Hathaway GPA” means the cumulative, unrounded GPA calculation of all courses taken in grades nine (9) through twelve (12) truncated to two decimal places and calculated in the following manner: weighted courses will be calculated on a five-point scale; all non-weighted courses taken in grades nine (9) through twelve (12) will be calculated on a standard four-point scale.

(r) “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).

(s) “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.

(t) “Post-Secondary Hathaway GPA” means the post-secondary GPA used to determine continuing eligibility as determined by Section 16 of these rules.

(u) “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.

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

(w) “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.

(x) “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.

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

(z) “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.

(aa) “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).

### **Section 3. Initial 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; and

(ii) College or industry preparatory courses that satisfy success curriculum requirements.

(d) Districts shall calculate the High School Hathaway GPA.



(i) Beginning with the 2018-19 school year, all high school courses for which a student earns credits 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:

(A) Advanced Placement (AP) courses approved by the College Board;

(B) International Baccalaureate (IB) courses approved by the IB Organization; and

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

(ii) All other courses shall be weighted on a four-point (4.0) scale.

(iii) The High School Hathaway GPA must be notated on the final student high school transcript and labeled as "Hathaway GPA". Prior to the 2018-19 school year, the unweighted GPA will be used to determine awards.

(e) All courses described under this section shall have a unique designation on students' high school transcripts and be included on the Hathaway-approved course list.

(f) 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).

(g) 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.

(h) 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 through a waiver procedure as allowed by statute and these rules for students attending or graduating from an eligible high school or a home-based educational program.

(i) 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 a Wyoming community college if the student is otherwise eligible for that scholarship. A student may be eligible for the extended semesters of use 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) The career-technical aptitude assessment used to determine eligibility under this section is the WorkKeys assessment.

(f) A student shall obtain a cumulative score of at least twelve (12) points on the Applied Mathematics, Graphic Literacy, and Workplace Documents WorkKeys assessments in order to be eligible under this section.

(g) Students may be eligible for an additional Provisional Opportunity Scholarship that may be used at an eligible institution 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 certificate or degree 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, 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) Students graduating in either the 2018-19 or 2019-20 school years may use either the success curriculum elective pathway as defined by subsection (c) or may replace the elective pathway with ~~the following requirements:~~

~~(i) Two sequenced years of foreign language, which need not be taken consecutively. At least one year shall be taken in grades nine (9) through twelve (12); and~~

~~(ii) Two years of one of the following taken in grades nine (9) through twelve (12):~~

~~(A) Fine and performing arts (FPA); or~~

~~(B) Career and technical education (CTE); or~~

~~(C) Foreign language courses.~~

(c) Pursuant to W.S. 21-16-1307(b)(vii), students graduating in 2020-21 and beyond must take four years of elective courses, including two sequenced years in either:

(i) Career and technical education (CTE);

(A) CTE course sequences include two years of courses within one of the sixteen national career clusters.

(ii) Fine and performing arts (FPA); or

(A) FPA sequences include two years of content under the same category. FPA categories for Hathaway Scholarship purposes are: theater and dance, visual arts, and music.

(iii) Foreign language

(A) Foreign language courses must be sequenced within the same language.

(iv) The additional two years of elective courses can be taken in any of the above three course categories and are not required to be sequenced or consecutive.

~~(v) One year of the above requirements can be taken prior to grade nine (9).~~

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

(a) Except for students who received an HSEC, 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.

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

(a) Except for students who received an HSEC, 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.

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

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

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

(c) Eligibility will be determined based on the requirements in place at the time of HSEC completion or high school and home-based educational program graduation.

(d) 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.

(e) 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. The Department or its designee may grant an exception for students for military service, religious services, 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, including courses taken before grade nine (9).

(ii) Include the High School Hathaway GPA as calculated in Section 3(d)(i). The High School Hathaway GPA shall be labeled "Hathaway GPA" on the high school transcript.

(iii) Include a college entrance exam or WorkKeys exam 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 submits to the eligible institution proof of coursework completion that the institution requires as well as the college entrance or WorkKeys scores.

(iii) The student applies for the scholarship before reaching age twenty-one (21). The Department or its designee may grant an exception for students for military service, religious services, or other good cause shown.

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

(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.

(i) 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.

(ii) The Department or its designee may grant an exception for students for military service, religious services, or other good cause shown.

(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 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 /WorkKeys scores. Students graduating prior to the 2018-19 school year shall be awarded based on the unweighted, unrounded high school GPA.

(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.**

(a) 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.**

(a) 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:

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

(ii) 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;

(A) Effective July, 2022 pursuant to W.S. 21-16-1306(a)(i)(D) COA shall not exceed the undergraduate 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, at minimum, 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, at a minimum, 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) 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:

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

(ii) 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

(iii) 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 no more than six (6) semester hours per summer semester.

### **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.**

(a) 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.

(i) 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.

(ii) 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.