



Wyoming Department of Education

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MEMORANDUM 2008 – 148

TO: School District Superintendents

FROM: Mary Kay Hill, Director
Administration Unit 

DATE: September 26, 2008

SUBJECT: Chapter 38 Rules Governing the Hathaway Scholarship Program and Chapter 4, Food Service Operations Rules

PLEASE READ AND RESPOND AS NECESSARY

Attached you will find Final Rules for Chapter 38 – Hathaway Scholarship Program along with the signed certification page and Notice of Intent to Adopt Rules for Chapter 4, Food Service Operations. The public comment period runs from September 12, 2008 – October 27, 2008.

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

Thank you.

MKH: jd

Enclosures

Doc#
7167

Appendix A

CERTIFICATION PAGE FOR RULES

Adoption Date: August 6, 2008

To guarantee review by the Secretary of State within the 75 day deadline, this package must be submitted to the Secretary of State by: October 31, 2008

GENERAL INFORMATION:

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 Chapter # and name of rules being **created**, amended or repealed: Chapter 38, Hathaway Scholarship Program.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

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

5. Notice of intended rulemaking containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State on: June 4, 2008.
6. Notice of intended rulemaking and proposed rules in strike and underscore format were provided to the Legislative Service Office and courtesy copies of the notice and proposed rules were provided to the Attorney General and the Governor on: June 4, 2008.

PUBLIC NOTICE OF INTENDED RULEMAKING:

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

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

FINAL FILING FOR RULES:

9. Yes No A Disk with an exact copy of the attached rules is attached or the electronic copy was sent via electronic mail to the Secretary of State on August 6, 2008.

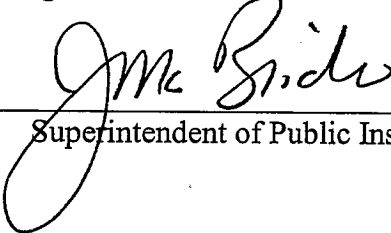
10. Final rules with original signatures were sent to the Attorney General's office for the Governor's signature on August 6, 2008.

11. Final rules were sent to the Legislative Service Office on August 6, 2008.

CERTIFICATION BY AGENCY:

The undersigned certifies that the foregoing information is correct.

Date: August 6, 2008



Superintendent of Public Instruction

GOVERNOR'S CERTIFICATION

I have reviewed these rules and determined that they:

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

Therefore, I approve the same.

9/17/08

Date Approved



Governor

STATE OF WYOMING

Office of the Secretary

Filed the 17th day of September
2008 at 3:30 P.M.

Max Maxfield
Secretary of State

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CHAPTER 38

Wyoming Department of Education Rules for the Hathaway Scholarship Program

Section 1. Authority.

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

Section 2. Applicability.

(a) Hathaway Scholarships are scholarships designed to provide an incentive for Wyoming students to prepare for, pursue and complete postsecondary education within the State of Wyoming. The program consists of four (4) separate merit scholarships, each with specific eligibility requirements, and a Need-Based Scholarship for eligible students which supplements the merit awards.

(b) These rules define the scholarships made available by the Hathaway Scholarship Program and set forth the requirements students must meet and maintain to be eligible for these awards. This scholarship program began with the graduating class of 2006.

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

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

(e) The promulgation, amendment or repeal of these rules shall become effective as provided by the Wyoming Administrative Procedures Act (W.S. § 16-3-101 through W.S. § 16-3-115) and when signed by the Governor and filed with the Secretary of State.

Section 3. Definitions.

(a) "Academic semester/term" means the fall semester/term or the spring semester/term. As used for these rules, "term" and "semester" have the same meaning, except that recipients may elect to use the scholarship during summer school, which counts toward the maximum number of terms for which the student is eligible but does not count toward computation of an academic year. As used in this definition, maximum number of terms means the equivalent of eight (8) full-time semesters.

(b) "Academic year" means two (2) consecutive semesters or terms and is the period of time a full-time student is expected to complete the equivalent of at least two (2) semesters of

academic work. A summer semester does not count toward computation of an academic year for the purpose of satisfying the requirement of continuous enrollment.

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

(d) "Application" means the process of the eligible institution to determine eligibility for Hathaway Scholarships.

(e) "Attempted hours" means the number of non-remedial hours, both graded and non-graded, as of the census date.

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

(g) "Census date" means the same date as established by each eligible institution for the administration of federal aid programs. This date determines hours for which the appropriate Hathaway Scholarship will be awarded and the hours upon which SAP will be calculated.

(h) "Certificate" means a credential other than a degree, as defined in Section 2(q) of these rules. It is either an associate of applied science degree or indicates satisfactory completion of training in an academic year program of study offered by a Wyoming community college.

(i) "College or industry preparatory" means mastery of 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.

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

(k) "Continuous enrollment" means enrollment and successful completion of not less than two (2) consecutive semesters in an academic year at an eligible institution.

(l) "Cost of attendance (COA)" means the sum cost of tuition, 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).

(m) "Course" means one (1) Carnegie Unit Credit or a year-long class in a subject area or the equivalent thereof.

(n) "Cumulative Earned Quality Points" means the points earned which correspond to cumulative GPA hours.

(o) "Cumulative GPA" means the numbered grade point average calculated at the end of the spring semester by the eligible post-secondary institution used to ascertain continuing

eligibility for Hathaway Scholarships recipients. It must include grades from all non-remedial academic courses from all eligible institutions attended by the student after initiation of any Hathaway Scholarship. Cumulative GPA shall not include grades from courses taken prior to initial scholarship eligibility. $\text{Cumulative GPA} = \frac{\text{Cumulative earned quality points}}{\text{Cumulative GPA hours}}$.

(p) "Cumulative GPA hours" means all non-remedial hours resulting in a grade of A, B, C, D, or F.

(q) "Degree" means a baccalaureate degree, an associate degree other than a certificate, or a graduate or professional degree.

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

(s) "Earned hours" means the hours for which a student has received a letter grade of A, B, C, D, S, or P.

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

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

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

(w) "Equivalent of a full-time semester" or "full-time semester" means twelve (12) or more semester hours of academic study undertaken in a semester or term, excluding remedial academic courses.

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

(y) "Full-time student" means a student who is enrolled in at least twelve (12) semester hours of academic study in each semester in an eligible institution, excluding remedial academic courses.

(z) "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.

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

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

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

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

(dd) "Graduate from an out-of-state high school" means a person attending and graduating from an out-of-state high school pursuant to W.S. § 21-4-501 et seq.

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

(ff) "Home-based education 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), provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one (1) family unit does not constitute a home-based educational program.

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

(hh) "Institutional scholarships" means academic merit scholarship awards or grants administered by eligible institutions which are funded from State sources, including discounts.

(ii) "Initial eligibility" means the first semester the State is obligated to reimburse an eligible institution for a student's scholarship.

(jj) "Institution" means an eligible institution, specifically the University of Wyoming or a Wyoming community college.

(kk) "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 semester in an eligible institution, excluding remedial academic courses.

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

(mm) "Post-initiation deferment" means temporary cessation of the state's original obligation to reimburse an eligible institution for a student's Hathaway Scholarship as a result of the student's written request to defer use of the scholarship after initiation.

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

(oo) "Retention rate" means the measure of the rate of continuous enrollment of a cohort of students from one semester to the next.

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

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

(rr) "Satisfactory academic progress" or "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. Students must also meet such other criteria as established by the eligible institution to ensure the student earns a degree or certificate in a timely manner. SAP shall be determined annually at the end of the spring semester.

(ss) "Semester hour" means each non-remedial semester hour attempted for credit toward a degree or certificate, excluding any semester hour(s) attempted prior to the initial use of a Hathaway Scholarship.

(tt) "Success curriculum" means the course of study students must complete to be eligible for a Hathaway Scholarship beginning with the high school graduating class of 2008.

(uu) "Summer semester" means the term offered between spring and fall semesters. Attendance during a summer semester counts toward the maximum number of terms for which the student is eligible, but does not count toward computation of an academic year. A summer semester may be used to reinstate a scholarship lost as a result of failure to maintain grade point average (GPA) or satisfactory academic progress (SAP), as set forth in Section 7 of these rules.

For purposes of this definition, maximum number of terms means the equivalent of eight (8) full time semesters.

(vv) "Unmet financial need" means the cost of attendance (COA) minus the sum of expected family contribution and all federal, state, local, institutional and private scholarships or grants received by the student, all as determined by the eligible institution. The eligible institution shall use the most recent Free Application for Federal Student Aid (FAFSA) Form to determine expected family contribution and shall do so annually in accordance with W.S. § 21-16-1306(b).

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

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

Section 4. General Scholarship Eligibility.

(a) To be eligible for the Hathaway Scholarship a student must meet the following requirements:

(i) Demonstrate Wyoming residency as determined by the eligible institution at which the student is enrolled;

(ii) Successfully complete the success curriculum and meet the standards for admission to the eligible institution;

(iii) Comply with the application timelines as set forth in Section 5 of these rules;

(iv) Swear under penalty of perjury that he or she has not been convicted of a felony. The assurance shall be made at the time of initial application to the eligible institution. Applications shall inform the student of their responsibility to notify the eligible institution of any felony convictions occurring subsequent to initial application and that the scholarship is subject to revocation for non-compliance; and,

(v) Meet one (1) of the following criteria:

(A) Graduated from an eligible high school. Eligibility under this subsection requires the following criteria are met:

(1) Met the minimum curriculum requirements for high school graduation as established by the Wyoming State Board of Education, including the successful completion of the following components in grades nine (9) through twelve (12):

(i) Four (4) school years of English;

(ii) Three (3) school years of mathematics;

(iii) Three (3) school years of science other than computer science;

(iv) Three (3) school years of social studies including history, American government and economic systems and institutions; and

(2) Demonstrated proficiency on the uniform student content and performance standards for the common core of knowledge and skills identified in W.S. § 21-2-304(a)(iii) and (iv) and satisfactorily pass an examination on the principles of the constitution of the United States and the State of Wyoming;

(B) Attended an eligible high school but graduated subsequently from a secondary educational institution in another state or foreign country that the Wyoming Department of Education has determined is the equivalent of a high school. Eligibility under this subsection requires demonstration that the following criteria are met as determined by the Department or if applicable its designee:

(1) The student's custodial parent or lawful guardian is a Wyoming resident at the time of application for a Hathaway Scholarship and was a Wyoming resident during the student's attendance at the eligible high school; and,

(2) The student's absence from Wyoming was due to the custodial parent's or lawful guardian's employment requirements or was necessitated by other conditions beyond the reasonable control of the parent or guardian; and,

(3) Neither the student nor the student's custodial parent or lawful guardian claimed residency in any other state or foreign county for any purpose during the student's high school attendance.

(C) Successful completion of a home-based educational program. Eligibility under this subparagraph requires demonstration that the following criteria are met:

(1) Submission of a curriculum to the local board of trustees each year through grade twelve (12) or graduation to demonstrate that the program complies with the requirements of a basic academic educational program pursuant to W.S. § 21-4-101(a)(vi); and,

(2) Submission, verification and completion of a curriculum that meets the requirements of the success curriculum or the functional equivalents of the courses as determined by the Wyoming Department of Education or its designee.

(D) Received minimum standard scores as contained in statute and rule and regulation on the general educational development (GED) test as required by the specific scholarships. Eligibility under this subsection requires the following criteria are met:

- (1) The GED was received while residing in Wyoming; and,
- (2) The student attended an eligible high school prior to receipt of the GED; and,
- (3) The GED was taken after April 1, 2006.
- (4) Students completing a home-based educational program and who also take the GED test shall conform to the requirements for students completing home-based educational programs.
- (5) GED applicants are considered as graduating with their high school graduating class unless an exception is granted by the Wyoming Department of Education in accordance with Section 16 of these rules and regulations.

(b) A student is not eligible for a Hathaway Scholarship if he or she:

(i) Is not a citizen of the United States or is not a permanent resident alien who meets eligible non-citizen definition under federal Title IV requirements or requirements of a subsequent federal enactment; or,

(ii) Has not complied with the United States selective service system requirements for registration, if applicable to the student; or,

(iii) Is in default on a federal Title IV education loan. If a student has fully repaid a defaulted loan or is no longer in default, the student may be eligible for the Hathaway Scholarship for future academic semesters; or,

(iv) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the State of Wyoming. If a student has fully repaid the refund owed, the student may be eligible for the Hathaway Scholarship for future academic semesters; or,

(v) Is incarcerated; or

(vi) Has been convicted of a felony in Wyoming or another jurisdiction and has not been granted an exception by the Wyoming Department of Education in accordance with Section 16 of these rules; or

(vii) Does not otherwise qualify under the applicable statutory provisions or these rules and regulations.

(c) Application for scholarship must occur within twenty-four (24) months and use of the scholarship initiated within twenty-eight (28) months of the date of high school graduation.

(i) Exception to this requirement may be granted by the Wyoming Department of Education or its designee for students pursuing a baccalaureate of applied science degree who meets requirements set forth in W.S. § 21-16-1303(f) and Section 15 of these rules, and for military service, religious service or other good cause shown in accordance with statute and Section 16 of these rules.

(d) Scholarship eligibility shall not extend beyond the equivalent of eight (8) full-time semesters, or extend to any semesters which commence six (6) academic years after initial eligibility unless:

(i) Timeframes are extended in accordance with W.S. § 21-16-1303(f) and Section 15 of these rules, or

(ii) A current scholarship recipient otherwise eligible for the scholarship has requested to defer use of the Hathaway Scholarship, in which case semesters occurring during the post-initiation deferment shall count toward the maximum scholarship eligibility time period, but not toward maximum allowable semesters of scholarship eligibility. A student electing to defer use of the Hathaway Scholarship after initiation shall notify the Department and the appropriate eligible institution in writing of their intent to defer prior to commencement of the semester(s) of deferment. The written notice shall clearly state the number of semesters the student intends to defer scholarship payment; or

(iii) An exception is otherwise granted in accordance with Section 16 of these rules and regulations.

(e) Maximum allowable semesters of scholarship eligibility shall be limited to the equivalent of eight (8) full-time semesters. Regardless of the number of hours for which an eligible institution may be reimbursed for a Hathaway Scholarship for a particular student during a particular semester, in order to maintain scholarship eligibility, that student must enroll in at least six (6) semester hours of academic study per semester at an eligible institution, excluding remedial academic courses.

(f) The grades of students or the academic performance in the eligible high school or eligible institution shall not be changed, revised or modified in any manner to increase the possibility of receiving the Hathaway Scholarship or increase the level of Hathaway eligibility or to continue Hathaway eligibility.

(i) This applies to, but is not limited to, eligible institutions, eligible high schools, school districts, boards of trustees, teachers and any other personnel with access to student educational records.

(ii) Changes that retroactively affect grades in any manner are prohibited, unless it can be demonstrated that the change was legitimate and was not intended to change the status of Hathaway eligibility in any manner.

Section 5. Application Procedures.

(a) Except as provided in Section 16, students graduating from an eligible high school or those receiving GED equivalency diplomas must apply for Hathaway Scholarships within twenty-four (24) months of the graduation date of the student's high school graduating class.

(i) GED applicants may apply sooner than the graduation date of their high school class if ordered by a court to complete GED requirements earlier. These students may also appeal to the Department for early application for other good cause in accordance with Section 16.

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

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

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

(e) High school students must request their high school to submit their most current transcript, GPA and ACT/WorkKeys scores to the eligible institution at the time of their first application, but no sooner than completion of the equivalent of their sixth (6th) high school semester. The high school sending the transcript to the eligible institution shall be responsible for ensuring the calculation is carried out in the following manner and the following information is included:

(i) Designation of each course which satisfies success curriculum requirements for Hathaway Scholarships including foreign language or math courses taken before grade nine (9), if applicable;

(ii) The student's GPA, subject to the following requirements for calculation:

(A) The GPA shall be calculated using grades from all credit courses taken by the student in an eligible high school, not limited to grades earned only in success curriculum courses.

(B) School districts shall calculate GPA on a 4.0 scale and utilize the following scale, regardless of the grading scale used by the district:

(1) A = 4.0;

(2) B = 3.0;

(3) C = 2.0;

(4) D = 1.0;

(5) F = 0.0;

(6) The GPA calculation shall not be rounded. Any digits after the second digit to the right of a decimal point (the hundredths position) shall be truncated or dropped; and,

(C) The most current GPA shall be clearly indicated on the student's transcript; and,

(D) Eligible institutions shall rely exclusively on the GPA calculated by districts to determine Hathaway eligibility.

(iii) Foreign language or math courses taken before grade nine (9) which are being used to satisfy success curriculum requirements must be so noted.

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

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

(ii) The institution shall notify the student of his/her provisional scholarship eligibility.

(g) After graduating from high school, students must request their final high school to submit to the institution the student's complete academic record or transcript, GPA, and ACT/WorkKeys scores. The high school must designate on the transcript each course the student satisfactorily completed that met Hathaway Scholarship success curriculum requirements.

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

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

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

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

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

Section 6. Continued 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 as contained within statute and defined within these rules and regulations;

(A) 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 7 of these rules, or an exception is granted by the Wyoming Department of Education or its designee for military service, religious service or other good cause shown in accordance with statute and Section 16 of these rules; and,

(ii) Satisfactory Academic Progress ("SAP") as contained within statute and defined within these rules and regulations;

(A) A student's hours for purposes of SAP shall be the hours attempted at 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;

(B) SAP shall be monitored at the end of each spring semester/term;

(C) 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 7 of these rules, or an exception for good cause is granted by the Wyoming Department of Education or its designee in accordance with Section 16 of these rules; and,

(iii) Maintenance of minimum cumulative Grade Point Average ("GPA") as contained within statute and defined within these rules and regulations for the particular scholarship awarded;

(A) GPA for this purpose shall be calculated by the eligible institution at the end of each spring academic semester/term using the non-remedial academic grades for all

eligible institutions the student has attended after acceptance and initial use of the Hathaway Scholarship;

(B) If a student fails to maintain an acceptable GPA, the student shall be ineligible to receive the Hathaway Scholarship for future semesters unless the scholarship is reinstated under the provisions contained in Section 7 of the rules, or an exception for good cause is granted by the Wyoming Department of Education or its designee in accordance with Section 16 of these rules;

(C) Semesters of ineligibility count toward maximum allowable semesters of scholarship eligibility as well as toward the maximum scholarship eligibility time period.

Section 7. Reinstatement of Scholarship Eligibility

(a) A student who has lost scholarship eligibility due to failure to maintain continuous enrollment, satisfactory academic progress, or cumulative grade point average requirements, who has exceeded neither the applicable maximum full-time equivalent semesters nor maximum scholarship eligibility time periods and who is otherwise eligible for the awarded scholarship may restore scholarship eligibility in 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 during an academic term(s) or summer semester occurring during the period the scholarship was lost;

(ii) Attains satisfactory academic progress during an academic term(s) or summer session occurring during the period the scholarship was lost; or

(ii) Reestablishes continuous enrollment by completing one academic term during the period the scholarship was lost, as either a full- or part-time student, whichever is applicable. A summer semester may not be used to re-establish continuous enrollment.

(b) Semesters of scholarship ineligibility count toward maximum allowable semesters of scholarship eligibility as well as toward the maximum scholarship eligibility time period.

Section 8. Success Curriculum.

(a) Curriculum requirements for Hathaway Scholarship eligibility shall be phased in over a period of four (4) years, beginning with the graduating class of 2007-08, with all requirements applicable to the graduating class of 2010-11 and each class thereafter. This curriculum shall be made available to all freshmen entering Wyoming high schools beginning with the fall of 2007. The specific curriculum requirements for each school year are set forth in Sections 9 through 12 of these rules.

(b) High schools shall be responsible for verifying whether or not students are on track to meet or have met Hathaway Scholarship curriculum requirements when transcripts are submitted to the eligible institution prior to actual high school graduation.

(c) The eligible institution shall deal directly with high schools to resolve any curriculum issues which may arise during the application process.

(d) Districts shall submit in a form and manner required by the Department a list of courses aligned with statewide content and performance standards which satisfy the success curriculum requirements.

(e) The Department shall verify that:

(i) The courses listed meet success curriculum requirements;

(ii) Courses intended to be used as functional equivalents of the specific courses required as success curriculum courses do indeed qualify as such;

(iii) College or industry preparatory courses intended to be used to satisfy success curriculum requirements do indeed qualify to do so; and,

(iv) Math and foreign language courses made available to students before grade nine (9) satisfy success curriculum requirements.

(f) Districts shall annually verify in the manner and form requested by the Department that accommodations which meet the requirements of the success curriculum, including a modified course at grade level, are or will be in place for students with individual education plans (IEP) or for students working under a federal 504 designation.

(i) A modified course uses specially designed instruction that has been adapted to appropriately meet the needs of a student who has an individual education plan (IEP) or is working under a federal 504 designation. Modifications are to be made to address the unique needs of the child that result from the child's disability to ensure access of the child to the general curriculum so that he or she can meet the educational standards within the jurisdiction of the school district that apply to all children.

(g) Districts are responsible for ensuring any out-of-state placement of students who reside in their district is accompanied with 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 district will cooperate in verifying that course work 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 as necessary due to good cause to specific course work within the success curriculum as specified by statute and these rules and regulations for students attending or graduating from an eligible high school or a home-based educational program.

Section 9. **Counseling for Student Success.**

(a) Beginning with the 2006-07 school year, all Wyoming eighth grade students shall be presented a one (1) week unit of instruction that shall provide an overview of the high school curriculum required to be successful for postsecondary work, standardized test requirements, scholarship availability, and the effect of education on earning potential.

(b) Beginning with the 2007-08 school year, counseling for students in grades eight (8) and nine (9) shall include discussion of Hathaway and other scholarship opportunities and explain curriculum and levels of student performance needed for eligibility.

(c) Beginning with the 2007-08 school year, in addition to the eighth grade unit of study, districts shall counsel each student enrolled in grades eight (8) through twelve (12) on curriculum requirements for high school graduation, success curriculum requirements for each Hathaway Scholarship, current achievement levels for the statewide proficiency assessment, and the importance of curriculum and post secondary education levels on career options and earnings.

(d) Beginning with the 2007-08 school year, counseling for students in grades nine (9) through twelve (12) shall also discuss the consequences of course selection, assess the student's course history, and explain options available to guide future course selection.

(e) Counseling shall be provided by counselors or designated district employees.

Section 10. **Hathaway Career Scholarship.**

(a) The Career Scholarship provides \$800 per full-time semester, limited to the equivalent of four (4) full-time semesters of enrollment in a certificated program at a Wyoming community college. Students may be eligible for additional Career Scholarships, as outlined below. Part-time students shall be awarded proportionate to the number of hours enrolled in non-remedial academic courses, with twelve (12) used as the denominator. Six (6) semester hours of non-remedial courses constitute the minimum enrollment for Hathaway Scholarships.

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

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

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

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

(c) Except for students applying for the scholarship using general educational development (GED) standard scores, all 2010-11 home-schooled students and graduates from eligible high schools and each graduating class thereafter shall meet the following minimum success curriculum requirements to be eligible for a Hathaway Career Scholarship:

(i) Three (3) years of math which include at least two (2) of the following courses or their functional equivalent:

- (A) Algebra I;
- (B) Algebra II;
- (C) Geometry; and

(ii) Demonstration of proficiency on state standards for foreign cultures and languages, which may include American Sign Language, required as part of the common core of knowledge established by the Wyoming State Board of Education.

(d) In order to maintain scholarship eligibility, students must meet the continuous enrollment, satisfactory academic progress, and general cumulative GPA requirements as set forth by statute, in Section 6 of these rules, and as set forth below.

(i) The minimum cumulative GPA required to maintain the Hathaway Career Scholarship is 2.25, calculated and maintained at the end of each spring semester by the student's eligible institution in a manner that is in accordance with these rules and the definitions contained herein.

(ii) Failure to maintain the required GPA shall result in scholarship ineligibility unless the maximum terms for scholarship eligibility have not been exceeded and:

- (A) The student subsequently attains a GPA of 2.25; or,
- (B) An exception for good cause is granted by the Department or its designee in accordance with Section 16 of these rules.

(e) A student who has lost scholarship eligibility due to failure to maintain continuous enrollment, satisfactory academic progress, or general cumulative GPA requirements may restore scholarship eligibility if requirements set forth in Section 7 of these rules are satisfied or through the appeals process described in Section 16, if applicable.

(f) Additional Career Scholarships can be made available to an eligible student to pursue either an additional certificate or a degree from a Wyoming community college or a baccalaureate of applied science degree from the University of Wyoming. A student may be eligible for an additional career scholarship provided:

(i) The student has earned a certificate(s) from a Wyoming community college with a minimum cumulative GPA of 2.25; and

(ii) The student meets other Hathaway Scholarship eligibility requirements;
and

(iii) The limit of the equivalent of eight (8) full-time semesters is not exceeded;
and

(iv) The scholarship does not extend to semesters which commence six academic years after initial eligibility unless the student is pursuing a baccalaureate of applied science degree and meets the requirements described in W.S. § 21-16-1303(f) and Section 15 of these rules.

Section 11. **Hathaway Opportunity Scholarship.**

(a) The Opportunity Scholarship provides \$800 per full-time semester, limited to the equivalent of eight (8) full-time semesters, not more than four (4) of which may be used at a Wyoming community college. Part-time students shall be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with twelve (12) used as the denominator. Six (6) semester hours of non-remedial courses constitute the minimum enrollment for Hathaway Scholarships.

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

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

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

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

(c) Except for students applying for scholarship using general educational development (GED) standard scores, all 2010-11 home-schooled students and graduates from eligible high schools and each graduating class thereafter shall meet the following minimum success curriculum requirements to be eligible for a Hathaway Opportunity Scholarship:

(i) Four (4) years of language arts at the college or industry preparatory level that includes reading, writing, listening, and speaking, taken in grades nine (9) through twelve (12); and

(ii) Four (4) years of math which must include each of the following or their functional equivalent:

(A) Algebra I;

- (B) Algebra II;
- (C) Geometry; and
- (D) An additional math course taken during grades nine (9) through twelve (12); and

(iii) Four (4) years of science taken during grades nine (9) through twelve (12), three of which shall satisfy requirements set forth by the Wyoming State Board of Education for high school graduation; and

(iv) Three (3) years of social studies taken in grades nine (9) through twelve (12) which must include a combination of the following subject matters:

- (A) World history;
- (B) American history;
- (C) Geography;
- (D) American government; and
- (E) Economic systems and institutions; and

(v) Demonstration of proficiency on state standards for foreign cultures and languages, which may include American Sign Language, required as part of the common core of knowledge established by the Wyoming State Board of Education.

(d) In order to maintain scholarship eligibility, students must meet the continuous enrollment, satisfactory academic progress, and general cumulative GPA requirements as set forth by statute, in Section 6 of these rules, and as set forth below.

(i) The minimum cumulative GPA required to maintain the Hathaway Opportunity Scholarship is 2.25, calculated and maintained at the end of each spring semester by the student's eligible institution in a manner that is in accordance with these rules and the definitions contained herein.

(ii) Failure to maintain the required GPA shall result in scholarship ineligibility for subsequent semesters unless the maximum terms for scholarship eligibility have not been exceeded and:

(A) The student subsequently attains a GPA of 2.25 and the scholarship is reinstated; or,

(B) An exception for good cause is granted by the Department or its designee in accordance with Section 16 of these rules.

(e) A student who has lost scholarship eligibility due to failure to maintain continuous enrollment, satisfactory academic progress, or general cumulative GPA requirements may restore scholarship eligibility if requirements set forth under Section 7 of these rules are satisfied, or through the appeals process described in Section 16 of these rules.

Section 12. Hathaway Performance Scholarship.

(a) The Performance Scholarship provides \$1,200 per full-time semester, limited to the equivalent of eight (8) full-time semesters, not more than four (4) of which may be used at a Wyoming community college. Part-time students shall be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with twelve (12) used as the denominator. Six (6) semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

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

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

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

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

(c) Except for students applying for scholarship using general educational development (GED) standard scores, 2007-08 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Performance Scholarship:

(i) Three (3) years of math to include at least one year of Algebra I or its functional equivalent; and

(ii) Three (3) years of science, one of which must be selected from the following courses or their functional equivalent:

(A) Physics I;

(B) Physics II;

(C) Chemistry I;

(D) Chemistry II;

(E) Biology I;

(F) Biology II;

(G) Geology I; or

(H) Computer science I.

(d) Except for students applying for scholarship using general educational development (GED) standard scores, all 2008-09 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Performance Scholarship:

(i) Three (3) years of math which must include one (1) year of Algebra I or its functional equivalent and one of the following:

(A) Geometry; or

(B) Algebra II; and

(ii) Three (3) years of science, two (2) of which must be selected from the following courses or their functional equivalents:

(A) Physics I;

(B) Physics II;

(C) Chemistry I;

(D) Chemistry II;

(E) Biology I;

(F) Biology II;

(G) Geology I;

(H) Computer science I; and

(iii) Three (3) years of social studies courses, including a course covering the subject matter of American history.

(e) Except for students applying for scholarship using general educational development (GED) standard scores, all 2009-10 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Performance Scholarship:

(i) Three (3) years of math which must include each of the following courses or their functional equivalent:

(A) Algebra I; and

(B) Geometry; and

(C) Algebra II; and

(ii) Three (3) years of science which must include three (3) of the following courses or their functional equivalents:

(A) Physics I;

(B) Physics II;

(C) Chemistry I;

(D) Chemistry II;

(E) Biology I;

(F) Biology II;

(G) Geology I;

(H) Computer science I;

(I) Physical science; and

(iii) Three (3) years of social studies courses, including courses covering the subject matters of American history and world history; and

(iv) One (1) year of foreign language instruction which may include American Sign Language, or the native languages of the Eastern Shoshone or the Northern Arapaho. This year of foreign language instruction must be undertaken in grades nine (9) through twelve (12).

(f) Except for students applying for scholarship using general educational development (GED) standard scores, all 2010-11 home-schooled students and eligible high school graduates and each graduating class thereafter must meet the following minimum success curriculum requirements to be eligible for a Hathaway Performance Scholarship:

(i) Four (4) years of language arts at the college or industry preparatory level to include reading, writing, listening and speaking. The language arts courses must have been undertaken in grades nine (9) through twelve (12); and

(ii) Four (4) years of math which must include each of the following courses or their functional equivalent:

(A) Algebra I; and

(B) Geometry; and
(C) Algebra II; and
(D) An additional math course taken during grades nine (9) through twelve (12); and

(iii) Four (4) years of science during grades nine (9) through twelve (12), to include at least three years from the following courses or their functional equivalents:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;
- (E) Biology I;
- (F) Biology II;
- (G) Geology I;
- (H) Computer science I;
- (I) Physical science; and

(iv) Three (3) years of social studies taken in grades nine (9) through twelve (12) which must include a combination of the following subject matters:

- (A) World history;
- (B) American history;
- (C) Geography;
- (D) American government; and
- (E) Economic systems and institutions; and

(v) Two (2) sequenced years of the same foreign language instruction which meets the following requirements:

- (A) The two (2) years need not be taken consecutively;

(B) They may include American Sign Language or the native languages of the Eastern Shoshone or the Northern Arapaho;

(C) At least one (1) of these two (2) required years must be undertaken in grades nine (9) through twelve (12).

(g) In order to maintain scholarship eligibility, students must meet the continuous enrollment, satisfactory academic progress, and general cumulative GPA requirements as set forth by statute, in Section 6 of these rules, and as set forth below.

(i) The specific minimum cumulative GPA requirement to maintain the Hathaway Performance Scholarship is 2.50, calculated and maintained at the end of each spring semester by the student's eligible institution in a manner that is in accordance with these rules and the definitions contained herein.

(ii) Failure to maintain the required GPA shall result in scholarship ineligibility for subsequent semesters unless the maximum terms for scholarship eligibility have not been exceeded and:

(A) The student subsequently attains a GPA of 2.50 and the scholarship is reinstated; or

(B) An exception for good cause is granted by the Department or its designee in accordance with Section 16 of these rules; or

(C) The student fails to maintain a cumulative GPA of 2.50 but achieves a cumulative GPA of at least 2.25 and the student is awarded the Hathaway Opportunity Scholarship for continued attendance at an eligible institution.

(h) A student who has lost scholarship eligibility due to failure to maintain continuous enrollment, satisfactory academic progress, or general cumulative GPA requirements may restore scholarship eligibility if requirements set forth in Section 7 of these rules are satisfied, or through the appeals process described in Section 16, if applicable.

Section 13. **Hathaway Honor Scholarship.**

(a) The Honor Scholarship provides \$1,600 per full-time semester, limited to the equivalent of eight (8) full-time semesters, not more than four (4) of which may be used at a Wyoming community college. Part-time students shall be awarded and reimbursed proportionate to the number of hours enrolled in non-remedial academic courses, with twelve (12) used as the denominator. Six (6) semester hours of non-remedial courses constitute minimum enrollment for Hathaway Scholarships.

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

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

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

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

(c) Except for students applying for scholarship using general educational development (GED) standard scores, all 2007-08 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Honor Scholarship:

(i) Three (3) years of math to include at least one (1) year of Algebra I or its functional equivalent; and

(iii) Three (3) years of science, one (1) of which must be selected from the following courses or their functional equivalent:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;
- (E) Biology I;
- (F) Biology II;
- (G) Geology I; or
- (H) Computer science I.

(d) Except for students applying for scholarship using general educational development (GED) standard scores, all 2008-09 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Honor Scholarship:

(i) Three (3) years of math which must include one (1) year of Algebra I or its functional equivalent and one of the following:

- (A) Geometry; or
- (B) Algebra II; and

(ii) Three (3) years of science, two (2) of which must be selected from the following courses or their functional equivalents:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;
- (E) Biology I;
- (F) Biology II;
- (G) Geology I;
- (H) Computer science I; and

(iii) Three (3) years of social studies courses, including a course covering the subject matter of American history.

(e) Except for students applying for scholarship using general educational development (GED) standard scores, all 2009-10 home-schooled students and eligible high school graduates must meet the following minimum success curriculum requirements to be eligible for a Hathaway Honor Scholarship:

(i) Three (3) years of math which must include each of the following courses or their functional equivalent:

- (A) Algebra I; and
- (B) Geometry; and
- (C) Algebra II; and

(ii) Three (3) years of science which must include three (3) of the following courses or their functional equivalents:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;
- (E) Biology I;

- (F) Biology II;
- (G) Geology I;
- (H) Computer science I;
- (I) Physical science; and

(iii) Three (3) years of social studies courses, including courses covering the subject matters of American history and world history; and

(iv) One (1) year of foreign language instruction which may include American Sign Language or the native languages of the Eastern Shoshone or the Northern Arapaho. This year of foreign language instruction must be undertaken in grades nine (9) through twelve (12).

(f) Except for students applying for scholarship using general educational development (GED) standard scores, all 2010-11 home-schooled students and eligible high school graduates and each graduating class thereafter must meet the following minimum success curriculum requirements to be eligible for a Hathaway Honor Scholarship:

(i) Four (4) years of language arts at the college or industry preparatory level to include reading, writing, listening and speaking. The language arts courses must have been undertaken in grades nine (9) through twelve (12); and

(ii) Four (4) years of math which must include each of the following courses or their functional equivalent:

- (A) Algebra I; and
- (B) Geometry; and
- (C) Algebra II; and
- (D) An additional math course taken during grades nine (9) through twelve (12); and

(iii) Four (4) years of science during grades nine (9) through twelve (12), to include at least three years from the following courses or their functional equivalents:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;

- (E) Biology I;
- (F) Biology II;
- (G) Geology I;
- (H) Computer science I;
- (I) Physical science; and

(iv) Three (3) years of social studies taken in grades nine (9) through twelve (12) which must include a combination of the following subject matters:

- (A) World history;
- (B) American history;
- (C) Geography;
- (D) American government; and
- (E) Economic systems and institutions; and

(v) Two (2) sequenced years of the same foreign language instruction which meets the following requirements:

- (A) The two (2) years need not be taken consecutively;
- (B) They may include American Sign Language or the native languages of the Eastern Shoshone or the Northern Arapaho;
- (C) At least one of these two required years must be undertaken in grades nine (9) through twelve (12).

(g) In order to maintain scholarship eligibility, students must meet the continuous enrollment, satisfactory academic progress, and general cumulative GPA requirements as set forth by statute, in Section 6 of these rules, and as set forth below.

(i) The specific minimum cumulative GPA requirement to maintain the Hathaway Honor Scholarship is 2.50, calculated and maintained at the end of each spring semester by the student's eligible institution in a manner that is in accordance with these rules and the definitions contained herein.

(ii) Failure to maintain the required GPA shall result in scholarship ineligibility for subsequent semesters unless the maximum terms for scholarship eligibility have not been exceeded and:

- (A) The student subsequently attains a GPA of 2.50 and the scholarship is reinstated; or
- (B) An exception for good cause is granted by the Department or its designee in accordance with Section 16 of these rules; or
- (C) The student fails to maintain a cumulative GPA of 2.50 but achieves a cumulative GPA of at least 2.25 and the student is awarded the Hathaway Opportunity Scholarship for continued attendance at an eligible institution.

(h) A student who has lost scholarship eligibility due to failure to maintain continuous enrollment, satisfactory academic progress, or general cumulative GPA requirements may restore scholarship eligibility if requirements set forth in Section 7 of these rules are satisfied or through the appeals process described in Section 16, if applicable.

Section 14. **Hathaway Need-Based Scholarship.**

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

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

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

- (i) Determine the institution's cost of attendance (COA);
- (ii) Subtract from the COA the estimated family financial contribution as determined annually by the FAFSA;
- (iii) Subtract the appropriate annual Hathaway merit award for which the student is eligible;
- (iv) Subtract any additional grants and/or scholarships the student will receive. This remainder is the annual unmet need amount.

(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:

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

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

(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 15. **Baccalaureate of Applied Science Degree.**

(a) A student pursuing a baccalaureate of applied science degree is not subject to scholarship requirements for satisfactory academic progress, continuous enrollment, or the six (6) academic year limitation when the following conditions have been met:

(i) The student was initially eligible for and received a Hathaway Scholarship; and,

(ii) The student received an associate of applied science degree from a Wyoming community college; and,

(iii) The student did not receive a Hathaway Scholarship for more than the equivalent of four (4) full-time semesters; and,

(iv) The student engaged in a vocation related to the applied science associate degree after initial receipt of the Hathaway Scholarship; and,

(v) The student has applied for reinstatement of the Hathaway Scholarship; and,

(vi) The student has enrolled at the University of Wyoming to complete a baccalaureate of applied science degree within the earlier of:

(A) Eight (8) years of initial Hathaway Scholarship eligibility; or

(B) Four (4) years of last attending an eligible institution while receiving a Hathaway Scholarship.

(b) Upon application for reinstatement of the scholarship, the student becomes subject to all scholarship eligibility requirements, including grade point average requirements, satisfactory academic progress and continuous enrollment.

(c) A student pursuing a baccalaureate of applied science is not eligible to receive a Hathaway Scholarship for more than a total of the equivalent of eight (8) full-time semesters or for any semester which commences after ten (10) academic years following his/her initial scholarship eligibility.

Section 16. Appeal of Initial and Continuing Eligibility Decisions.

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

- (i) Graduation from an eligible high school defined in W.S. § 21-4-501 et seq;
- (ii) Application for scholarship within twenty-four (24) months of date of high school graduation, completion of home-school coursework pursuant to W.S. § 21-16-1308(b)(iii), or GED completion as described in W.S. § 21-16-1308(b)(iv);
- (iii) Determination of whether specific coursework meets success curriculum requirements, both for students in home-based educational programs and those attending or graduating from eligible high schools, including those specified in W.S. § 21-4-501 et seq.

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

- (i) Exceeding the limit of the equivalent of eight (8) full-time semesters;
- (ii) Enrollment in classes for any semester commencing after six (6) academic years following the student's initial eligibility;
- (iii) Failure to maintain continuous enrollment for not less than two (2) semesters in each successive academic year;
- (iv) Failure to maintain satisfactory academic progress;
- (v) Failure to maintain the cumulative grade point average required by each specific scholarship.

(c) Except for decisions regarding felony conviction, determinations made by eligible institutions concerning initial and continuing scholarship eligibility described in this section may be appealed by first petitioning the institution for a review of their original decision. The institution's subsequent decision may be further appealed to the Department through an informal hearing process.

(d) Appeals concerning exceptions to initial scholarship ineligibility due to felony conviction are to be made directly to the Department without first petitioning the institution for a review of their original decision. All terms and conditions imposed on the applicant by the court of origin must have been satisfactorily completed and other scholarship eligibility requirements met in order to appeal the initial decision of the eligible institution.

(e) When reviewing determinations made by eligible institutions, the Department may consider whether more complete or more accurate information could be a basis for making a decision contrary to an initial and subsequent decision made by an 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. Good cause determination shall be made on a case-by-case basis and consider, but not be limited to, circumstances surrounding:

- (i) Entry into active military duty in the U.S. Armed Forces;
- (ii) Entry into a formalized religious service;
- (iii) Personal accident, illness, tragedy, or separation/divorce;
- (iv) Death or tragedy in the immediate family;
- (v) Geographic transfer or change in hours or condition of employment.

(g) The applicant or student wishing to appeal the subsequent decision of an eligible institution shall submit a request for exception in writing to the Department. The request shall include:

- (i) Name, mailing address, and telephone number of the appellant; and
- (ii) A short, concise statement identifying the exception being requested and the reasons supporting the granting of the exception; and
- (iii) All documents, papers, or other materials which 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. Notice of the Department's decision will be made to the appellant and the eligible institution in writing within 45 days of receipt of materials from the appellant.

Section 17. Award Amounts.

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

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

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

(i) To the extent the institution reduces scholarship commitments pursuant to the above, the institution shall report biennially to the Joint Education Committee how these funds were reallocated.

(c) Students attending more than one (1) eligible institution shall enter into a consortium agreement with the multiple institutions whereby the student 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.

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

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

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

Section 18. **Transferring Students.**

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

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

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

Section 19. Payment to Institutions.

(a) For the first four (4) years of the program, eligible institutions shall report to the Wyoming Department of Education by August 1 estimates of the number of students and the scholarship awards they anticipate for the upcoming fall semester. Institutions must report again to the Department by December 1 the number of students and scholarship amounts they anticipate for the following spring semester. Community colleges shall additionally report to the Commission the estimates they submitted to the Department for August 1 and December 1.

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

(b) After the first four (4) years of estimates by the institutions, the Department shall rely on actual data to make annual prepayments to institutions in the amount of 75% of the total amount that institution received the preceding semester.

(i) The Department 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.

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

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

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

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

- (i) Student name, birth date, and gender;
- (ii) Unique student identifier identified by the Department and the institutions;
- (iii) Name of the institution;
- (iv) Hathaway Scholarship category;

- (v) Number of credit hours;
- (vi) Semester identifier; and
- (vii) High school graduation year.

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

(i) Any duplication of students shall be reported by the Department to the institutions and to 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.

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

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

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

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

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

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

Section 20. Promotion of the Hathaway Scholarship Program.

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

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

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

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

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

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

Section 21. Coordination with Other Award and Scholarship Programs.

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

Section 22. Data Gathering and Reporting Procedures.

(a) In consultation with school districts and the financial aid officers and registrars of the eligible institutions, or their designees, the Department 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 identified in W.S. § 9-2-1014.

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

(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 Wyoming Community College Commission which shall submit to the Department individual college information, as well as a summative report of all college data.

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

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

(ii) Rate of retention of scholarship recipients;

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

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

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

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

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

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

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

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

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

(vi) In addition to reporting the number of students who have lost scholarship eligibility as specified in Section 22 (e)(v) of these rules, institutions shall provide further data on cause of loss of scholarship to include:

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

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

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

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

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

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

Section 23. **Insufficiency of Funds.**

(a) Should funds within the expenditure account in the State Treasurer's Office be insufficient, merit scholarship awards may be honored with the portion of the expenditure account allocated to need-based awards if the need-based awards have been met. Likewise, need-based scholarship awards may be honored with the portion of the expenditure account allocated to merit awards if merit awards have been met.

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

(c) If no funds remain available in either the expenditure or reserve accounts and all scholarship commitments are still not made, payment reduction on a first-come, first-served basis shall be made using a student's original scholarship application date as evidenced by the date the student signs and attests their eligibility for a Hathaway Scholarship.

Section 24. **Continuing Evaluation of the Program.**

(a) Beginning not later than October 1, 2007, then on October 1, 2008 and October 1, 2009 and by October 1 in each odd-numbered year thereafter, the Department, in consultation with the Commission and the eligible institutions shall make recommendations to the governor and the Legislature on whether or not the following requirements for Hathaway Scholarship eligibility need modification:

- (i) Success curriculum requirements;
- (ii) Minimum composite ACT or cumulative WorkKeys scores for initial eligibility;
- (iii) Minimum high school GPA for the various scholarships; and

(iv) Other components of the Hathaway Scholarship Program which may need modification to continue to provide the desired incentives for students to pursue a rigorous high school curriculum and strive to achieve academic success.

(b) Within the time specified in (a) above, the Department, in consultation with the eligible institutions, shall make recommendations to the governor and the legislature for the adoption of statewide student assessment standards and scores to augment qualifying ACT or WorkKeys scores.

(c) Continuing evaluation shall also identify additional resources needed to enable school districts to provide the success curriculum to their students, particularly those districts which have been granted coursework exception from success curriculum requirements for good cause.

Section 25. Audit Authority.

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

STATEMENT OF REASONS
CHAPTER 4 RULES, FOOD SERVICE OPERATIONS

The Wyoming Department of Education is required by 2008 Wyoming Session Laws, Chapter 95, Sections 601 through 603 (Senate Enrolled Act 70) to promulgate rules and regulations governing the Food Service Operations in districts and to provide financial assistance to districts operating food service programs having deficit balances. The legislation gave the specific deadline of October 15, 2008 for the payment of funds. The legislation also required that the Department promulgate rules mandating an annual report from districts along with an application process for those funds. In order to complete those tasks, the Chapter 4 rules need to be amended to cover the legislative mandate. These rules are new because they are based on new legislation. However, Chapter 4, which dealt with the acquisition of a Food Service Management Company by districts, is no longer valid because of new federal regulations dealing with the same issue. These rules would replace the outdated language.

NOTICE OF INTENT TO ADOPT RULES

1. Agency: Wyoming Department of Education
Address: Hathaway Bldg., 2nd Fl., 2300 Capitol Ave., Cheyenne, Wyoming 82002-0050
Agency Contact Person for these Rules: Katie Mordhorst
Work Phone: 307-777-6262

2. Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved: The Wyoming Department of Education is required by 2008 Wyoming Session Laws, Chapter 95, Sections 601 through 603 (Senate Enrolled Act 70) to promulgate rules and regulations governing the Food Service Operations in districts and to provide financial assistance to districts operating food service programs having deficit balances. The legislation gave the specific deadline of October 15, 2008 for the payment of funds. The legislation also required that the Department promulgate rules mandating an annual report from districts along with an application process for those funds. In order to complete those tasks, the Chapter 4 rules need to be amended to cover the legislative mandate. These rules are new because they are based on new legislation. However, Chapter 4, which dealt with the acquisition of a Food Service Management Company by districts, is no longer valid because of new federal regulations dealing with the same issue. These rules would replace the outdated language.

These rules are not in response to a federal law or regulation.

3. Citation to each agency rule being **amended** or repealed: Chapter 4, Rules for Food Service Operations

4. If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at: Copies of the proposed rules can be obtained at the Wyoming Department of Education, c/o Jennifer Duncan, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

5. Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action: Please submit comments to: Sean Moore, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050. The public comment period for these rules runs from September 12, 2008 through October 27, 2008.

6. A public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to: Katie Mordhorst, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

7. Yes No A public hearing on the proposed rules has been scheduled. If Yes: Date, time and place of scheduled hearing: _____

8. Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response under this item must be made prior to, or within (thirty) 30 days after adoption of the rule, addressed to: Katie Mordhorst, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

9. Yes X No These are New Rules (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

If Yes: Citation to the specific legislation resulting in promulgation of these rules:

10. Yes No X These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.

If Yes:

(a) Citation to applicable federal law or regulation:

(b) Indicate one:

 The proposed rules meet but do not exceed minimum federal requirements;

or

 The proposed rules exceed minimum federal requirements;

(c) Any person wishing to object to the accuracy of any information provided by the agency under this Item 10 should submit their objections prior to final adoption to: _____

If timely objections are submitted the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.

11. Indicate one: (Required by W.S. 16-3-103(a)(i)(G))

X The proposed rule change meets minimum substantive state statutory requirements.

 The proposed rule change exceeds the minimum substantive state statutory requirements.

If the rule change exceeds the minimum substantive state statutory requirements, the agency shall include a statement explaining the reason the rule exceeds minimum substantive statutory requirements.