

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-0407.02 Brita Darling x2241

SENATE BILL 20-006

SENATE SPONSORSHIP

Zenzinger and Story, Bridges, Coram, Crowder, Fenberg, Gardner, Hansen, Lee, Moreno, Priola, Tate, Todd, Winter, Woodward

HOUSE SPONSORSHIP

Kipp and Baisley, McLachlan

Senate Committees

Education
Appropriations

House Committees

Education

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE CONTINUING ADMINISTRATION OF THE**
102 **COLORADO OPPORTUNITY SCHOLARSHIP INITIATIVE.** ==

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Making Higher Education Attainable Interim Study Committee. The bill amends provisions relating to the Colorado opportunity scholarship initiative, including:

- ! Removing the definition of "tuition assistance" and replacing it with a definition for "financial assistance" that is tied to cost of attendance, as defined in the bill, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 3, 2020

SENATE
3rd Reading Unamended
February 13, 2020

SENATE
Amended 2nd Reading
February 12, 2020

making amendments throughout to reflect the changed terms;

! Removing the statutory restriction that not more than 10% of money in the fund in any fiscal year may be awarded to state agencies and nonprofit organizations for student success and support services and for other services, and the requirement that a certain percentage of the money awarded for student success and support services and for other services be awarded to nongovernmental entities;

! Removing the requirement that the initiative be administered from existing personnel;

! Changing the current provision that, to the extent practicable, scholarships must be equally distributed between students who are eligible for federal PELL grants and students within a certain range of income. Instead, the bill requires scholarships to be equitably distributed between students with an expected family contribution, as defined in the bill, of less than 100% of the annual federal PELL grant award and students with an expected family contribution between 100% and 250% of the annual federal PELL grant award.

! Removing references to obsolete reports and requirements.

The bill appropriates \$5 million to the Colorado opportunity scholarship initiative fund to implement the initiative.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 23-3.3-1002, **repeal**
3 (9); and **add** (1.5), (4.3), and (4.7) as follows:

4 **23-3.3-1002. Definitions.** As used in this part 10, unless the
5 context otherwise requires:

6 (1.5) "COST OF ATTENDANCE" MEANS THE STUDENT'S COST OF
7 ATTENDING AN INSTITUTION OF HIGHER EDUCATION THAT IS DETERMINED
8 BY THE INSTITUTION OF HIGHER EDUCATION BASED ON FEDERAL AND
9 COMMISSION POLICY, AND INCLUDES TUITION, FEES, ROOM, BOARD, BOOKS,
10 SUPPLIES, TRANSPORTATION, AND OTHER ALLOWABLE EXPENSES.

11 (4.3) "EXPECTED FAMILY CONTRIBUTION" MEANS THE AMOUNT OF

1 MONEY THAT A STUDENT'S FAMILY IS EXPECTED TO CONTRIBUTE TO THE
2 STUDENT'S COST OF ATTENDANCE AT AN INSTITUTION OF HIGHER
3 EDUCATION.

4 (4.7) "FINANCIAL ASSISTANCE" MEANS MONEY AWARDED TO A
5 STUDENT BASED ON THE STUDENT'S COST OF ATTENDANCE AT THE
6 INSTITUTION OF HIGHER EDUCATION.

7 (9) ~~"Tuition assistance" means financial assistance to an eligible~~
8 ~~student of an eligible institution, including such financial assistance as is~~
9 ~~necessary to pay the costs of tuition, fees, books, housing, food, and~~
10 ~~transportation.~~

11 **SECTION 2.** In Colorado Revised Statutes, **amend** 23-3.3-1003
12 as follows:

13 **23-3.3-1003. Colorado opportunity scholarship initiative -**
14 **created.** ~~(H)~~ There is created the Colorado opportunity scholarship
15 initiative within the department. The executive director or ~~his or her~~ THE
16 EXECUTIVE DIRECTOR'S designee shall appoint the director of the initiative
17 ~~from existing personnel~~ who shall administer the initiative in accordance
18 with rules promulgated by the board pursuant to section 23-3.3-1004 (4).

19 ~~(2) On or before June 30, 2015, the director of the initiative shall~~
20 ~~report to the education committees of the house of representatives and~~
21 ~~senate, or to any successor committees, concerning the recommendations~~
22 ~~prepared by the board pursuant to section 23-3.3-1004 (4)(c).~~

23 **SECTION 3.** In Colorado Revised Statutes, 23-3.3-1004, **amend**
24 (4) introductory portion, (4)(a)(III), and (4)(c) as follows:

25 **23-3.3-1004. Colorado opportunity scholarship initiative**
26 **advisory board - created - duties - rules.** (4) The board shall hold its
27 first meeting on or before November 1, 2014, at a time and place to be

1 designated by the executive director or by ~~his or her~~ THE EXECUTIVE
2 DIRECTOR'S designee. The board shall meet at least four times each year
3 and shall carry out the following duties:

4 (a) Promulgate rules for administration of the initiative, including
5 but not limited to the following:

6 (III) Rules establishing permissible uses of grant and scholarship
7 ~~moneys~~ MONEY from the initiative, which rules ~~shall~~ MUST stipulate that:

8 (A) ~~Not more than ten percent~~ A PORTION of the ~~moneys~~ MONEY
9 in the fund in any fiscal year may be awarded to state agencies and
10 nonprofit organizations to assist such agencies and organizations with
11 ensuring that student-success, precollegiate, postsecondary student
12 support services are available to students who are classified as Colorado
13 residents for tuition purposes; increasing the capacity for student support
14 services at postsecondary institutions; and developing connections
15 between local employers, public schools, precollegiate organizations, and
16 postsecondary institutions;

17 (B) ~~Of the moneys described in sub-subparagraph (A) of this~~
18 ~~subparagraph (III), at least seventy percent must be awarded to~~
19 ~~nongovernmental entities;~~

20 (C) Any ~~moneys~~ MONEY appropriated to the fund that ~~are~~ IS not
21 used for the purposes described in ~~sub-subparagraph (A) of this~~
22 ~~subparagraph (III)~~ SUBSECTION (4)(a)(III)(A) OF THIS SECTION, or to pay
23 the direct and indirect costs of administering the initiative as described in
24 section 23-3.3-1005 (4), must be used to build a financial corpus capable
25 of providing ~~tuition~~ FINANCIAL assistance to eligible Colorado students
26 in Colorado who will attend eligible institutions of higher education
27 within the state. ~~Tuition~~ FINANCIAL assistance provided pursuant to this

1 ~~sub-subparagraph (C)~~ SUBSECTION (4)(a)(III)(C) may take the form of
2 direct awards, matching incentives to create or increase the number of
3 other scholarships, loans, or any combination thereof.

4 (D) To the extent practicable, grants of ~~tuition~~ FINANCIAL
5 assistance must be awarded to students representing rural and urban areas
6 of the state and to students attending ~~public vocational schools~~, area
7 technical colleges, community colleges, four-year institutions of higher
8 education, and research institutions; and

9 (E) To the extent practicable, ~~tuition~~ FINANCIAL assistance must
10 be evenly distributed between students ~~who are eligible for federal PELL~~
11 ~~grants and students whose household incomes are~~ WITH AN EXPECTED
12 FAMILY CONTRIBUTION OF LESS THAN ONE HUNDRED PERCENT OF THE
13 ANNUAL FEDERAL PELL GRANT AWARD AND STUDENTS WITH AN
14 EXPECTED FAMILY CONTRIBUTION between one hundred percent and two
15 hundred fifty percent of the ~~maximum permissible income for the purpose~~
16 ~~of determining eligibility for PELL grants~~ ANNUAL FEDERAL PELL GRANT
17 AWARD;

18 (c) ~~On or before May 30, 2015, prepare and submit to the director~~
19 ~~any recommendations the board has for the general assembly concerning~~
20 ~~the implementation of the initiative. The director shall report the~~
21 ~~recommendations of the board to the education committees of the house~~
22 ~~of representatives and senate, or to any successor committees, as~~
23 ~~described in section 23-3.3-1003 (2)~~ PREPARE AND SUBMIT AN ANNUAL
24 REPORT CONCERNING THE INITIATIVE TO THE DIRECTOR. THE DIRECTOR
25 SHALL POST THE ANNUAL REPORT ON THE DEPARTMENT'S WEBSITE OR
26 APPROPRIATE ONLINE LOCATION, AND, NOTWITHSTANDING THE
27 PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, SHALL

1 SEND THE ANNUAL REPORT TO THE MEMBERS OF THE EDUCATION
2 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR
3 ANY SUCCESSOR COMMITTEES.

4 **SECTION 4.** In Colorado Revised Statutes, 23-3.3-1005, amend
5 (4) as follows:

6 **23-3.3-1005. Colorado opportunity scholarship initiative fund**
7 **- created - rules.** (4) The department is authorized to spend FROM THE
8 FUND AN AMOUNT OF MONEY EQUAL TO not more than three SEVEN AND
9 ONE-HALF percent of the moneys in TOTAL EXPENDITURES FROM the fund
10 FOR THE PRIOR FISCAL YEAR to pay the direct and indirect costs of
11 administering the initiative in any fiscal year; EXCEPT THAT THE GENERAL
12 ASSEMBLY MAY AUTHORIZE ADDITIONAL SPENDING FOR ADMINISTRATIVE
13 COSTS IN ANY FISCAL YEAR THROUGH A FOOTNOTE IN THE ANNUAL
14 GENERAL APPROPRIATION ACT.

15

16 **SECTION 5.** **Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2020 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.