

CHAPTER 388

EDUCATION - POSTSECONDARY

SENATE BILL 23-149

BY SENATOR(S) Coleman and Exum, Bridges, Buckner, Cutter, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Sullivan, Winter F., Fenberg;
 also REPRESENTATIVE(S) Bacon, Amabile, Bird, Boesenecker, Brown, deGruy Kennedy, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, Young, McCluskie.

AN ACT

CONCERNING THE CREATION OF A PROGRAM TO PROVIDE HIGHER EDUCATION FINANCIAL ASSISTANCE TO STUDENTS WHO PERFORM YOUTH MENTORSHIP, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 23-3.3-1010 as follows:

23-3.3-1010. Youth mentorship assistance grant pilot program - creation - policies - reports - definitions - repeal. (1) ~~THERE IS CREATED IN THE INITIATIVE THE YOUTH MENTORSHIP ASSISTANCE GRANT PILOT PROGRAM. THE PURPOSE OF THE PROGRAM IS TO PROVIDE FINANCIAL ASSISTANCE TO A STUDENT WHO PROVIDES MENTORSHIP SERVICES TO DEFRAY THE COST OF THE STUDENT'S ATTENDANCE AT A PUBLIC INSTITUTION OF HIGHER EDUCATION.~~

(2) THE BOARD SHALL:

(a) ~~SELECT APPROVED YOUTH MENTORSHIP ORGANIZATIONS TO PARTICIPATE IN THE PROGRAM. THE BOARD SHALL SELECT ONE APPROVED YOUTH MENTORSHIP ORGANIZATION FROM EACH OF THE FOLLOWING TYPES OF ORGANIZATIONS:~~

(I) ~~A YOUTH MENTORSHIP ORGANIZATION FOR YOUTH WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER;~~

(II) ~~A YOUTH MENTORSHIP ORGANIZATION FOR YOUTH WHO HAVE A PHYSICAL, MENTAL, OR DEVELOPMENTAL DISABILITY;~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(III) A YOUTH MENTORSHIP ORGANIZATION FOR YOUTH OF COLOR; AND

(IV) A YOUTH MENTORSHIP ORGANIZATION FOR YOUTH WHO ARE JUSTICE INVOLVED.

(b) TO THE EXTENT POSSIBLE, SELECT APPROVED YOUTH MENTORSHIP ORGANIZATIONS TO PARTICIPATE IN THE PROGRAM THAT SERVE YOUTH WHO RESIDE IN RURAL AND URBAN AREAS OF THE STATE;

(c) ESTABLISH A MAXIMUM CAP, OR VARIOUS MAXIMUM CAPS, ON THE AMOUNT THAT ELIGIBLE STUDENT-MENTORS MAY EARN THROUGH PROVIDING MENTORSHIP SERVICES; AND

(d) ESTABLISH PRIORITY CONSIDERATION FOR ELIGIBLE STUDENT-MENTORS WHO DEMONSTRATE THE GREATEST FINANCIAL ASSISTANCE NEEDS.

(3) TO BE AN APPROVED YOUTH MENTORSHIP ORGANIZATION, A YOUTH MENTORSHIP ORGANIZATION SHALL:

(a) APPLY TO THE BOARD IN THE TIME AND MANNER REQUIRED BY THE BOARD; AND

(b) (I) HAVE A POLICY AND PROCEDURE REQUIRING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION OF ALL PROSPECTIVE ELIGIBLE STUDENT-MENTORS, VOLUNTEERS, AND EMPLOYEES.

(II) THE YOUTH MENTORSHIP ORGANIZATION SHALL NOT PERMIT PROSPECTIVE ELIGIBLE STUDENT-MENTORS, VOLUNTEERS, OR EMPLOYEES TO SERVE THE ORGANIZATION IF THEY HAVE BEEN CONVICTED OF, ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE FOR:

(A) A FELONY CRIME INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR UNLAWFUL BEHAVIOR INVOLVING CHILDREN;

(B) A FELONY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC VIOLENCE;

(C) A MISDEMEANOR CRIME INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR UNLAWFUL BEHAVIOR INVOLVING CHILDREN; OR

(D) A MISDEMEANOR CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC VIOLENCE.

(4) TO BE AN ELIGIBLE STUDENT-MENTOR, THE STUDENT SHALL:

(a) APPLY TO THE APPROVED YOUTH MENTORSHIP ORGANIZATION IN THE TIME AND MANNER SPECIFIED BY THE BOARD;

(b) SATISFY ALL ELIGIBILITY REQUIREMENTS NECESSARY TO BE A STUDENT-MENTOR THROUGH THE APPROVED YOUTH MENTORSHIP ORGANIZATION, INCLUDING COMPLETING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS REQUIRED BY SUBSECTION (3)(b) OF THIS SECTION; AND

(c) BE ENROLLED IN A QUALIFIED PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE DURATION OF THE MENTORSHIP.

(5) (a) THE BOARD SHALL ESTABLISH POLICIES THAT ENSURE THAT PROGRAM MONEY IS USED FOR APPROVED ELIGIBLE STUDENT-MENTORS' HIGHER EDUCATION COST OF ATTENDANCE AND THAT ELIGIBLE STUDENT-MENTORS WHO PARTICIPATE IN THE PROGRAM PROVIDE EVIDENCE OF PROGRAM COMPLIANCE TO EARN THE FINANCIAL ASSISTANCE FOR COST OF ATTENDANCE. THE BOARD SHALL ESTABLISH POLICIES FOR THE REPAYMENT OF ANY FINANCIAL ASSISTANCE APPLIED TOWARD THE COST OF ATTENDANCE FOR THE ELIGIBLE STUDENT-MENTOR THAT THE ELIGIBLE STUDENT-MENTOR DID NOT EARN.

(b) THE BOARD MAY ESTABLISH POLICIES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM, INCLUDING THE DATES FOR DISBURSEMENTS TO APPROVED YOUTH MENTORSHIP ORGANIZATIONS AND ELIGIBLE STUDENT-MENTORS' PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

(6) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT FOR USE BY THE BOARD FOR SCHOLARSHIPS AWARDED PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION AUTHORIZES THE DEPARTMENT OR BOARD TO USE THE APPROPRIATION FOR ADMINISTRATIVE COSTS ASSOCIATED WITH IMPLEMENTING OR ADMINISTERING THE PROGRAM, OR THE APPROVED YOUTH MENTORSHIP ORGANIZATION TO USE THE MONEY RECEIVED THROUGH THE PROGRAM FOR ADMINISTRATIVE COSTS ASSOCIATED WITH IMPLEMENTING OR ADMINISTERING THE PROGRAM. ANY MONEY APPROPRIATED PURSUANT TO THIS SECTION NOT EXPENDED PRIOR TO JULY 1, 2024, IS FURTHER APPROPRIATED TO THE DEPARTMENT FOR USE BY THE BOARD FOR THE 2024-25 AND 2025-26 STATE FISCAL YEARS FOR THE SAME PURPOSE.

(7) (a) ON OR BEFORE JANUARY 1, 2024, THE BOARD SHALL MAKE ITS FIRST DISBURSEMENT TO APPROVED YOUTH MENTORSHIP ORGANIZATIONS.

(b) AN APPROVED YOUTH MENTORSHIP ORGANIZATION SHALL DISBURSE THE MONEY RECEIVED THROUGH THE PROGRAM TO THE QUALIFIED PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH AN ELIGIBLE STUDENT-MENTOR WHO PROVIDES SERVICE TO THE YOUTH MENTORSHIP ORGANIZATION IS ENROLLED, TO BE APPLIED TOWARD THE COST OF ATTENDANCE FOR THE ELIGIBLE STUDENT-MENTOR IN EXCHANGE FOR THE MENTORSHIP SERVICES PROVIDED BY THE ELIGIBLE STUDENT-MENTOR. THE AMOUNT DISBURSED PURSUANT TO THIS SUBSECTION (7)(b) MUST NOT EXCEED THE APPLICABLE CAP ESTABLISHED BY THE BOARD PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

(c) AT THE END OF THE GRANT TERM, THE APPROVED YOUTH MENTORSHIP ORGANIZATIONS SHALL RETURN ANY UNUSED MONEY RECEIVED THROUGH THE PROGRAM TO THE DEPARTMENT.

(8) (a) AN APPROVED YOUTH MENTORSHIP ORGANIZATION SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT THAT INCLUDES:

(I) A DESCRIPTION OF THE APPROVED YOUTH MENTORSHIP ORGANIZATION, INCLUDING ITS LOCATION, THE SERVICES IT PROVIDES, DEMOGRAPHIC INFORMATION OF THE MENTEES IT SERVES, AND SUMMARIES OF THE PROGRAM'S IMPACT ON THE MENTEES SERVED; EXCEPT THAT ANY SUMMARY MUST NOT DISCLOSE THE IDENTITY OF A MENTEE OR INCLUDE PERSONAL INFORMATION THAT COULD DISCLOSE THE IDENTITY OF A MENTEE;

(II) THE NUMBER OF ELIGIBLE-STUDENT MENTORS WHO PROVIDED MENTORSHIP SERVICES TO THE APPROVED YOUTH MENTORSHIP ORGANIZATION DURING THE PRECEDING STATE FISCAL YEAR, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, GENDER IDENTITY, AND THE QUALIFIED PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE ELIGIBLE-STUDENT MENTORS ARE ENROLLED; AND

(III) THE AMOUNT OF MONEY RECEIVED BY THE APPROVED YOUTH MENTORSHIP ORGANIZATION FROM THE PROGRAM, IN TOTAL AND DISAGGREGATED BY PAYMENTS TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

(b) ON OR BEFORE DECEMBER 1, 2024, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE PROGRAM IN THE PRECEDING STATE FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE INFORMATION CONCERNING:

(I) THE INFORMATION PROVIDED BY THE APPROVED YOUTH MENTORSHIP ORGANIZATIONS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION;

(II) IF AVAILABLE, THE NUMBER OF ELIGIBLE-STUDENT MENTORS WHO PARTICIPATED IN THE PROGRAM WHO CONTINUED ENROLLMENT IN THE QUALIFIED PUBLIC INSTITUTION OF HIGHER EDUCATION IN A SUBSEQUENT ACADEMIC TERM, REPORTED FOR THE PROGRAM AS A WHOLE AND FOR EACH INSTITUTION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER IDENTITY; AND

(III) IF AVAILABLE, THE NUMBER OF ELIGIBLE-STUDENT MENTORS WHO PARTICIPATED IN THE PROGRAM WHO GRADUATED FROM THE QUALIFIED PUBLIC INSTITUTION OF HIGHER EDUCATION, REPORTED FOR THE PROGRAM AS A WHOLE AND FOR EACH INSTITUTION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER IDENTITY.

(9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PROGRAM" MEANS THE YOUTH MENTORSHIP ASSISTANCE GRANT PILOT PROGRAM CREATED IN SUBSECTION (1) OF THIS SECTION.

(b) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION IDENTIFIED IN SECTION 23-18-102 (10)(a), A LOCAL DISTRICT COLLEGE, OR AN AREA TECHNICAL COLLEGE.

(c) "YOUTH MENTORSHIP ORGANIZATION" MEANS A COMMUNITY-BASED

ORGANIZATION THAT PROVIDES MENTORSHIP SERVICES TO YOUTH WHO RESIDE IN COMMUNITIES THAT WERE HISTORICALLY AND ARE CURRENTLY NEGATIVELY IMPACTED BY STRUCTURAL AND SYSTEMIC DESIGN, AND CONSEQUENTLY HAVE NO OR LIMITED ACCESS TO QUALITY MENTORSHIP SERVICES.

(10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$100,000 is appropriated to the department of higher education for use by the Colorado opportunity scholarship board. This appropriation is from the general fund. To implement this act, the board may use this appropriation for the youth mentorship stipend pilot program.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2023