

CHAPTER 26

EDUCATION - POSTSECONDARY

SENATE BILL 20-006

BY SENATOR(S) Zenzinger and Story, Bridges, Coram, Crowder, Fenberg, Gardner, Hansen, Lee, Moreno, Priola, Tate, Todd, Winter, Woodward;
 also REPRESENTATIVE(S) Kipp and Baisley, McLachlan, Arndt, Bird, Buentello, Cutter, Duran, Exum, Froelich, Gray, Hooton, Jaquez Lewis, Lontine, McCluskie, Michaelson Jenet, Mullica, Snyder, Woodrow, Young.

AN ACT**CONCERNING CHANGES TO THE CONTINUING ADMINISTRATION OF THE COLORADO OPPORTUNITY SCHOLARSHIP INITIATIVE.**

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

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

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

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

(4.3) "EXPECTED FAMILY CONTRIBUTION" MEANS THE AMOUNT OF MONEY THAT A STUDENT'S FAMILY IS EXPECTED TO CONTRIBUTE TO THE STUDENT'S COST OF ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION.

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

(9) ~~"Tuition assistance" means financial assistance to an eligible student of an eligible institution, including such financial assistance as is necessary to pay the~~

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.

~~costs of tuition, fees, books, housing, food, and transportation.~~

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

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

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

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

23-3.3-1004. Colorado opportunity scholarship initiative advisory board - created - duties - rules. (4) The board shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director or by ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee. The board shall meet at least four times each year and shall carry out the following duties:

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

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

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

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

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

matching incentives to create or increase the number of other scholarships, loans, or any combination thereof.

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

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

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

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

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

SECTION 5. 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 (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020