

## CHAPTER 43

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**EDUCATION - UNIVERSITIES AND COLLEGES**


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**SENATE BILL 05-003**

BY SENATOR(S) Tapia, Bacon, Groff, Sandoval, Spence, Tochtrop, and Windels;  
also REPRESENTATIVE(S) Hall, Berens, Boyd, Carroll T., Frangas, Green, Larson, Madden, Marshall, Merrifield, Paccione,  
Penry, and Todd.

**AN ACT****CONCERNING THE CREATION OF THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM.**

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

**SECTION 1.** Part 2 of article 3.1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-3.1-206.9. Colorado achievement scholarship program - administration - fund - policies.** (1) THERE IS HEREBY CREATED THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM FOR THE PURPOSES OF PROMOTING PRE-COLLEGIATE CURRICULUM AS ESTABLISHED BY THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT CONSISTENT WITH THE GUIDELINES ADOPTED BY THE DEPARTMENT OF HIGHER EDUCATION AND INCREASING ACCESS TO POSTSECONDARY EDUCATION. THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE AUTHORITY. A SCHOLARSHIP UNDER THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM MAY BE AWARDED ONLY TO AN UNDERGRADUATE STUDENT WHO, EACH YEAR:

(a) (I) ATTENDS A STATE INSTITUTION OF HIGHER EDUCATION OR A PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 (8) AND IS ELIGIBLE TO RECEIVE A STIPEND PURSUANT TO ARTICLE 18 OF THIS TITLE; OR

(II) ATTENDS A JUNIOR COLLEGE THAT IS PART OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE; OR

(III) ATTENDS AN AREA VOCATIONAL SCHOOL, AS DEFINED IN SECTION 23-60-103 (1), AND IS EARNING POSTSECONDARY CREDITS THAT MAY BE TRANSFERRED INTO AN ASSOCIATE DEGREE PROGRAM AT A COMMUNITY COLLEGE OR INTO A DEGREE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROGRAM AT A FOUR-YEAR INSTITUTION OF HIGHER EDUCATION AS PROVIDED IN SECTION 23-1-108 (7) AND THE STATE CREDIT TRANSFER POLICIES ESTABLISHED BY THE COLORADO COMMISSION ON HIGHER EDUCATION; AND

(b) DEMONSTRATES FINANCIAL NEED THROUGH THE STUDENT'S ELIGIBILITY FOR THE FEDERAL PELL GRANT OR ITS SUCCESSOR PROGRAM; AND

(c) MEETS ANY OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE BOARD, WHICH SHALL INCLUDE BUT NEED NOT BE LIMITED TO, REQUIRING THE STUDENT TO MAINTAIN A HIGH SCHOOL GRADE POINT AVERAGE OF AT LEAST 2.5.

(2) THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND, WHICH IS HEREBY CREATED, SHALL CONSIST OF MONEYS DEPOSITED INTO THE FUND BY THE AUTHORITY, ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, AND ANY GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE AUTHORITY FOR THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM. MONEYS DEPOSITED INTO THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND SHALL BE DEEMED TO BE TRUST FUNDS AND SHALL BE ADMINISTERED BY THE AUTHORITY AND SHALL BE USED FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING, MARKETING, AND ADMINISTERING THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM. ANNUAL EXPENDITURES ON DIRECT MARKETING SHALL NOT EXCEED FIVE PERCENT OF THE ANNUAL REVENUE OF THE TRUST. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND. ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION.

(3) THE BOARD SHALL ADOPT ANY POLICIES NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM, WHICH SHALL INCLUDE BUT NEED NOT BE LIMITED TO, IMPLEMENTING THE PROGRAM FOR THE HIGH SCHOOL GRADUATING CLASS OF 2008, PROVIDING AWARDS TO BOTH PART-TIME AND FULL-TIME STUDENTS, AND SPECIFYING THAT A SCHOLARSHIP UNDER THE PROGRAM SHALL ONLY BE PAID TO A STUDENT FOR UP TO FIVE ACADEMIC YEARS. THE BOARD SHALL DEVELOP AN APPLICATION FOR THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM THAT SHALL BE SIGNED BY THE PARENT OR LEGAL GUARDIAN AND THE ELIGIBLE STUDENT AND SHALL BE RETURNED AS SPECIFIED BY THE BOARD. THE APPLICATION SHALL INCLUDE THE REQUIREMENTS FOR AND THE DISQUALIFICATIONS FROM THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM. WHEN THE BOARD ADOPTS POLICIES REQUIRING A STUDENT TO COMPLETE A PRE-COLLEGIATE CURRICULUM, THE BOARD SHALL ALSO INCLUDE REQUIREMENTS FOR SCHOOLS THAT DO NOT UTILIZE THE PRE-COLLEGIATE CURRICULUM. THE BOARD SHALL ALSO ESTABLISH CRITERIA FOR STUDENTS TO BE DISQUALIFIED FROM THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM ONLY FOR EXPULSION. THE POLICIES ADOPTED BY THE BOARD FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM SHALL BE APPROVED BY THE EXECUTIVE DIRECTOR OF THE COMMISSION.

(4) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE BOARD SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THE STATUS OF THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM. THE REPORT

SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FINANCIAL STATUS OF THE TRUST, THE AMOUNT OF MONEY ANNUALLY SPENT ON ADMINISTRATION, THE AVERAGE SCHOLARSHIP AWARD AMOUNT, AND THE NUMBER OF STUDENTS PARTICIPATING IN THE COLORADO ACHIEVEMENT SCHOLARSHIP PROGRAM.

**SECTION 2.** 23-3.1-206 (1) (t), Colorado Revised Statutes, is amended, and the said 23-3.1-206 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**23-3.1-206. General powers and duties of the authority.** (1) In addition to any other powers and duties specifically granted to the authority in this part 2, the authority has the following powers:

(t) To assure that nothing shall cause the authority to exceed the limitations prescribed in section 23-3.1-205.5; ~~and~~

(v) TO IMPLEMENT, MARKET, AND ADMINISTER THE COLLEGE ACHIEVEMENT SCHOLARSHIP PROGRAM ESTABLISHED IN SECTION 23-3.1-206.9;

(w) TO DEPOSIT MONEYS INTO THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND; TO ACCEPT MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY; TO ACCEPT GIFTS, GRANTS, AND DONATIONS FROM THIRD PARTIES FOR DEPOSIT INTO THE FUND; AND TO EXPEND MONEYS FROM THE FUND FOR COLORADO ACHIEVEMENT SCHOLARSHIPS; AND

(x) TO ORGANIZE ENTITIES PURSUANT TO ARTICLES 121 AND 137 OF TITLE 7, C.R.S., WITH APPROVAL OF THE BOARD AND THE EXECUTIVE DIRECTOR, AND TRANSFER FUNDS TO SUCH ENTITIES FOR THE PURPOSE OF INVESTING THE COLORADO ACHIEVEMENT SCHOLARSHIP TRUST FUND AND ANY OTHER TRUSTS AND FUNDS UNDER THE AUTHORITY'S CONTROL.

**SECTION 3. Effective date.** This act shall take effect July 1, 2005.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 2005