



COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

2021 Sunset Review

Second Chance Scholarship Program



October 15, 2021



COLORADO

**Department of
Regulatory Agencies**

Executive Director's Office

October 15, 2021

Members of the Colorado General Assembly
c/o the Office of Legislative Legal
Services State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Second Chance Scholarship Program. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2022 legislative committee of reference.

The report discusses the question of whether there is a need for the program created under Article 3.3 of Title 23, C.R.S. The report also discusses the effectiveness of the Colorado Department of Higher Education in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit coprrr.colorado.gov.

Sincerely,

Patty Salazar
Executive Director





Sunset Review: Second Chance Scholarship Program

Background

What is the Second Chance Scholarship Program?

The Second Chance Scholarship Program (Program) was created in 2019 in the Colorado Department of Higher Education (CDHE) to award scholarships for the pursuit of a postsecondary credential and gainful employment for youth previously committed to the Colorado Department of Human Services' Division of Youth Services (DYS).

Why was the Program created?

In creating the Program, the General Assembly found that youth who have been committed to DHS face many obstacles, such as homelessness, poverty, issues with school enrollment, addiction and unemployment. The General Assembly found that investing in the educational success of such youth would have positive impacts on reducing recidivism.

How many scholarships were awarded?

In the single year of the Program's existence, 11 individuals applied for a scholarship, but six were not able to verify having been committed to DHS. The remaining five applicants were awarded scholarships of \$10,000 each, but only one scholar actually attended school and utilized the scholarship.

How were scholarships awarded?

To be eligible for a scholarship under the Program, an individual must:

- Be a citizen or legal permanent resident of the United States,
- Be a resident of Colorado,
- Have been committed to and released from DHS within the previous five years,
- Have demonstrated financial need, and
- Be enrolled in or accepted to a postsecondary educational institution authorized to operate in Colorado.

What does it cost?

In fiscal year 19-20, the single year of the Program's existence, CDHE expended a total of \$105,145, inclusive of scholarships awarded, and allotted 1.0 full-time equivalent employee to the Program.

Key Recommendations

- **Sunset the Second Chance Scholarship Program and the Second Chance Scholarship Advisory Board.**

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Background

Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria¹ and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether a particular regulatory program is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To ascertain a second aspect of the first sunset criterion--whether conditions that led to initial regulation have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the third sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the tenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

¹ Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

Sunset Criteria	Where Applied
(I) Whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions that led to the initial regulation have changed; and whether other conditions have arisen that would warrant more, less, or the same degree of regulation;	<ul style="list-style-type: none"> • Profile. • History of Regulation. • Recommendation 1.
(II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;	<ul style="list-style-type: none"> • Legal Summary.
(III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;	<ul style="list-style-type: none"> • Legal Summary. • Program Description.
(IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;	<ul style="list-style-type: none"> • Program Description.
(V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;	<ul style="list-style-type: none"> • Legal Summary. • Program Description.
(VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;	<ul style="list-style-type: none"> • Profile.
(VII) Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;	<ul style="list-style-type: none"> • Not Applicable.
(VIII) Whether the scope of practice of the regulated occupation contributes to the optimum use of personnel and whether entry requirements encourage affirmative action;	<ul style="list-style-type: none"> • Not Applicable.
(IX) Whether the agency through its licensing or certification process imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses or certifications that the agency denied based on the applicant's criminal history, the number of conditional licenses or certifications issued based upon the applicant's criminal history, and the number of licenses or certifications revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	<ul style="list-style-type: none"> • Program Description.

Sunset Criteria	Where Applied
(X) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	<ul style="list-style-type: none"> • Recommendation 1.

Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR’s website at coprrr.colorado.gov.

The functions of the Second Chance Scholarship Advisory Board, as enumerated in Article 3.3 of Title 23, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2022, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Board and the Second Chance Scholarship Program (Program) pursuant to section 24-34-104, C.R.S. Interestingly, statute stipulates that only the Board is subject to repeal, yet it directs that the entire Program be reviewed.

The purpose of this review is to determine whether the Board should be continued and to evaluate the performance of the Program and the Colorado Department of Higher Education (CDHE). During this review, CDHE must demonstrate that the Board and Program serve the public interest. COPRRR’s findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

Methodology

As part of this review, COPRRR staff conducted a literature review; interviewed staff at CDHE and the Colorado Department of Human Services’ Division of Youth Services; interviewed other stakeholders and reviewed Colorado statutes.

The major contacts made during this review include, but are not limited to:

- Alliance for Community and Justice Innovation
- Bridging the Gap
- Colorado Department of Higher Education
- Colorado Department of Human Services
- Colorado Second Chance Scholarship Advisory Board members
- Dry Bones Denver
- Office of the Child’s Representative
- Remerg

Profile of Justice-Involved Youth & Postsecondary Education

In a sunset review, COPRRR is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial program have changed; and whether other conditions have arisen which would warrant more, less or the same degree of government action.

To understand the need for the Program, it is first necessary to understand the current status of justice-involved youth and the potential impacts of postsecondary education on them.

In general, it is difficult for those without a formal education to obtain stable employment, and the odds for released inmates of obtaining employment are slight. Additionally, once released from incarceration, “offenders who cannot find suitable work or a living wage are more likely to re-offend out of necessity.”²

However, a Minnesota study of inmates released between 2007 and 2008 found that prison-based postsecondary education resulted in higher wages, greater number of hours worked and less recidivism.³

Thus, there appears to be a connection between the attainment of education and reduced recidivism. Indeed, a study by the National Institution of Justice found that inmate education is one of the most effective ways to reduce recidivism.⁴

Most studies regarding inmate education, post-release economic success and recidivism have focused on adult offenders. Statistical information regarding the effectiveness of post-release programs for juvenile offenders is limited.⁵

This is unfortunate, given that on any given day, approximately 60,000 youth are incarcerated in the United States,⁶ and, on average, 455.3 are in the custody of the Colorado Division of Youth Services (DYS) as committed youth.⁷ According to the U.S. Department of Justice, “almost half of youth released from juvenile justice facilities

² Allison Hill (2015), “Education Reduces Recidivism,” *Education, Law and Policy*, Loyola University Chicago School of Law, p. 5.

³ Grant Duwe and Valerie Clark (2014), “The Effects of Prison-Based Educational Programming on Recidivism and Employment (Abstract),” *The Prison Journal*. Retrieved March 17, 2021, from <https://journals.sagepub.com/doi/abs/10.1177/0032885514548009>

⁴ Allison Hill (2015), “Education Reduces Recidivism,” *Education, Law and Policy*, Loyola University Chicago School of Law, p. 2.

⁵ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. *Statistical Briefing Book, Juvenile Reentry & Aftercare*. Retrieved March 9, 2021, from https://www.ojjdp.gov/ojstabb/reentry_aftercare/overview.html

⁶ American Youth Policy Forum. *Justice-Involved Youth*. Retrieved May 20, 2021, from <https://www.aypf.org/youth-populations/juvenile-justice/>

⁷ Colorado Department of Human Services, *Division of Youth Services Annual Report: Fiscal Year 19-20*, January 2021, p. 8.

will return to confinement within three years.”⁸

Not surprisingly, incarcerated youth have fewer vocational skills and opportunities, which leaves them with limited to no job experience. Additionally, they face systemic discrimination, as many employers and postsecondary programs perceive them as unreliable and not yet ready for the workforce.⁹ Indeed, incarcerated youth who lack adequate educational opportunities are more likely to be unemployed, on welfare or both in adulthood.¹⁰

The sixth sunset criterion requires COPRRR to evaluate the economic impact of regulation, or in this case, the Program.

A 2018 study that explored the value of in-prison education among adults found that inmates who participated in in-prison educational programs were 48 percent less likely to return to prison, meaning that for every dollar spent on prison-education programs, between \$4 and \$5 were saved.¹¹

Additionally, on average, individuals over the age of 25 with a bachelor’s degree earn approximately 70 percent more than those with high school diplomas.¹² While 36 percent of the U.S. population over the age of 25 held at least a bachelor’s degree in 2019,¹³ only one percent of justice-involved youth—including those who have been detained or committed—will earn a degree.¹⁴ Thus, it is reasonable to question the earning power of previously committed youth who do not possess a postsecondary credential.

While most studies have focused on adult offenders, many people maintain that similar results would hold true for juvenile offenders. Education, many studies have found, reduces recidivism.

Thus, many programs have been developed in recent years to provide former inmates, both adult and juvenile, with the financial supports necessary to pursue a postsecondary education. One such federal program is the Pell Grant. One such state program is the

⁸ U.S. Department of Education. *FACT SHEET: Reducing Recidivism for Justice-Involved Youth*, December 2016. Retrieved February 16, 2021, from <https://www.ed.gov/news/press-releases/fact-sheet-reducing-recidivism-justice-involved-youth#:~:text=Unfortunately%2C>

⁹ American Youth Policy Forum. *Justice-Involved Youth*. Retrieved May 20, 2021, from <https://www.aypf.org/youth-populations/juvenile-justice/>

¹⁰ Allison Hill (2015), “Education Reduces Recidivism,” *Education, Law and Policy*, Loyola University Chicago School of Law, p. 7.

¹¹ Karen Mangan (2021), “The Expanding Role of Colleges in Prison Education: The opportunities and obstacles in educating the incarcerated,” *The Chronicle of Higher Education*, p. 22.

¹² University of Delaware. *Professional & Continuing Studies, The Earning Power of Education*. Retrieved July 16, 2021, from <https://www.continuingstudies.udel.edu/earning-power-education/>

¹³ U.S. Census Bureau. *U.S. Census Bureau Releases New Educational Attainment Data*. Retrieved May 20, 2021, from <https://www.census.gov/newsroom/press-releases/2020/educational-attainment.html#:~:text=In%202019%2C%20high%20school%20was,from%2029.9%25%20to%2036.0%25>.

¹⁴ Juvenile Law Center. *Making Sure Youth Succeed*. Retrieved May 20, 2021, from <https://jlc.org/issues/education>

Second Chance Scholarship Program (Program), which is the subject of this sunset review.

In short, the Program was intended to provide youth who had been previously committed to DYS with a \$10,000 scholarship to pursue a postsecondary education. However, only one scholarship issued by the Program was ever used.

Legal Framework

History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first sunset criterion questions whether the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial program have changed; and whether other conditions have arisen that would warrant more, less or the same degree of government action.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

The Second Chance Scholarship Program (Program) was created in 2019, by way of Senate Bill 231, to award scholarships for the pursuit of a postsecondary credential and gainful employment for youth previously committed to the Colorado Department of Human Services' Division of Youth Services (CDHS and DYS, respectively). In creating the Program, the General Assembly found that

youth who have been committed [to DYS] face many obstacles upon release, including homelessness, poverty, issues with school enrollment, addiction and unemployment. Financially investing in the educational success of youth involved with [DYS] has proven to have significant positive impacts on reducing recidivism.¹⁵

However, only one scholarship issued by the Program was ever used.

Legal Summary

The second, third and fifth sunset criteria question:

Whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters; and

¹⁵ Senate Bill 19-231, §1(1).

Whether the composition of the agency’s board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

A summary of the current statutes and rules is necessary to understand whether the statutes creating the Program are set at the appropriate level and whether the current laws are impeding or enhancing the Program’s ability to operate in the public interest.

The Program is administered by the Colorado Department of Higher Education (CDHE) to award scholarships to assist those who were previously committed to DYS in their pursuit of a postsecondary credential.¹⁶

The Colorado Second Chance Scholarship Advisory Board (Board) is required to award scholarships of up to \$10,000 based on:¹⁷

- An applicant’s prior commitment to DYS,¹⁸
- An applicant’s demonstrated degree of financial need,
- An applicant’s acceptance to an institution that offers postsecondary credentials, and
- Any other criteria adopted by the Board.

A postsecondary credential may include one issued by a trade school, community college, certificate program or other institution of higher education.¹⁹

The amount of each scholarship must be based on the person’s financial need, the cost of attendance at the postsecondary institution, the amount of funds available to the Board for the applicable budget year and the anticipated number of scholarship applicants for the applicable budget year.²⁰

The Executive Director of CDHE must employ a Program Coordinator to counsel and support scholarship recipients by developing education and employment goals with them, and to connect them with wraparound services.²¹

¹⁶ § 23-3.3-1201, C.R.S.

¹⁷ § 23-3.3-1203(3), C.R.S.

¹⁸ Importantly, youth can be involved with DYS at various levels. For example, some youth are detained by DYS prior to being adjudicated. A subset of these youth may then be committed to DYS after they are adjudicated. To be eligible for a scholarship issued by the Program, the individual must have been committed to DYS after being adjudicated.

¹⁹ § 23-3.3-1203(3)(c), C.R.S.

²⁰ § 23-3.3-1203(4), C.R.S.

²¹ § 23-3.3-1202, C.R.S.

The Board consists of five members:²²

- The Director of DYS, or the Director’s designee;
- The Executive Director of CDHE, or that Executive Director’s designee;
- The Executive Director of CDHS, or that Executive Director’s designee;
- The Program Coordinator; and
- An individual previously committed to DYS, appointed by the Director of DYS.

The Board is required to meet at least four times each year, and is required to establish, by rule, the procedures by which a person may apply for a scholarship, as well as the information required in such application.²³ Although the Board established such procedures and scholarship eligibility criteria, it did not do so by rule.

Finally, CDHE must, and did in 2020, report on the Program through its annual State Measurement for Accountable, Responsive, and Transparent Government Act hearing.²⁴

²² § 23-3.3-1203(1), C.R.S.

²³ § 23-3.3-1203(2), C.R.S.

²⁴ § 23-3.3-1203(5), C.R.S.

Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The third, fourth and fifth sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures practices and any other circumstances, including budgetary, resource and personnel matters;

Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The Second Chance Scholarship Program (Program), administered by the Colorado Department of Higher Education (CDHE), received funding in fiscal year 19-20 only. As a result, very little data is available to analyze, as will be evident throughout this sunset report.

In its single year of existence, the Program expended a total of \$105,145 as follows:

- \$168 on travel,
- \$3,130 on operations and supplies,
- \$51,846 on salary and benefits, and
- \$50,000 on scholarships awarded.

Statute directs the Executive Director of CDHE (Executive Director) to employ a Program Coordinator to counsel and support scholarship recipients by regularly meeting with them to establish education and employment goals, and to connect them with wraparound services.²⁵

This Program Coordinator, representing the entirety of the Program's expenditures on salary and benefits, was employed on a contract basis for less than a year. Regardless, the Program Coordinator represented 1.0 full-time equivalent employee and was responsible for guiding the Second Chance Scholarship Advisory Board (Board) in developing the scholarship eligibility criteria; performing outreach to potential

²⁵ § 23-3.3-1202, C.R.S.

applicants; developing the scholarship application process and disbursing scholarship funds to the institutions of higher education attended by scholarship recipients.

Colorado Second Chance Scholarship Advisory Board

The Board consists of five members:²⁶

- The Director of the Division of Youth Services (DYS), or the Director’s designee;
- The Executive Director of CDHE, or that Executive Director’s designee;
- The Executive Director of the Colorado Department of Human Services (CDHS), or that Executive Director’s designee;
- The Program Coordinator; and
- An individual previously committed to DHS, appointed by the Director of DHS.

Statute requires the Board to meet at least four times annually.²⁷ However, given the short life of the Program, the Board met only once in 2019 and three times in 2020. Minutes for the first two meetings, held in December 2019 and January 2020, reveal that Board members representing state agencies attended. The minutes do not mention the previously committed youth, but CDHE staff maintains that this individual attended both meetings. While minutes for the last two meetings, held in February and May 2020 are not available, CDHE staff recalls that at least a majority, though not all, of Board members attended each.

The Board is required to award scholarships of up to \$10,000 based on:²⁸

- An applicant’s prior commitment to DHS,²⁹
- An applicant’s demonstrated degree of financial need,
- An applicant’s acceptance to an institution that offers postsecondary credentials, and
- Any other criteria adopted by the Board.

²⁶ § 23-3.3-1203(1), C.R.S.

²⁷ § 23-3.3-1203(2), C.R.S.

²⁸ § 23-3.3-1203(3), C.R.S.

²⁹ Importantly, youth can be involved with DHS at various levels. For example, some youth are detained by DHS prior to being adjudicated. A subset of these youth may then be committed to DHS after they are adjudicated. To be eligible for a scholarship issued by the Program, the individual must have been committed to DHS after being adjudicated.

Scholarship Application Process and Awards

To be eligible for a scholarship under the Program, an individual must:

- Be a citizen or legal permanent resident of the United States,
- Be a resident of Colorado,
- Have been committed to and released from DYS within the previous five years,
- Have demonstrated financial need, and
- Be enrolled in or accepted to a postsecondary educational institution authorized to operate in Colorado.

Acceptable credential and institutional types include:

- Short-term boot camp programs;
- Certificate programs in public or private colleges, including for-profit institutions and public occupational/technical colleges regulated by CDHE's Division of Private Occupational Schools (DPOS);
- Two-year associate degree programs at public or private colleges, including for-profit institutions regulated by DPOS;
- Four-year bachelor's degree programs at public or private colleges, including for-profit institutions;
- Master's degree programs at public or private colleges, including for-profit institutions;
- Professional degrees;
- Doctoral degrees;
- Apprenticeship credentials; and
- Professional licensure.

Scholarship candidates were made aware of the Program by one of the Program's partner organizations, an individual's school or caseworker or by viewing the outreach materials prepared by the Program Coordinator.

Candidates submitted an application to the Program by April 15, 2020. In addition to soliciting general demographic information, the application inquired as to:

- Dates of commitment to DYS, as well as authorization for DYS to confirm such;
- Information pertaining to previous education, such as name and location of the high school from which the applicant graduated (or planned to graduate), or whether the applicant possessed a high school diploma equivalent;
- Whether the applicant had previously earned any college credit or postsecondary credentials;
- The type of institution the applicant planned to attend and the credential sought;
- A personal statement from the applicant, including information as to how commitment to DYS had changed the individual; the applicant's career plans;

and other information, such as anticipated supports needed, the applicant's strengths and weaknesses or the applicant's personal story;

- Three letters of recommendation;
- Any work or volunteer experience; and
- Demonstration of financial need, for which several forms were provided.

In the single year of the Program's existence, 11 individuals applied, but six were not able to verify having been committed to DYS.³⁰ The remaining five applicants were then interviewed by CDHE staff, and all five were awarded scholarships in the amount of \$10,000 each.

Scholars were then required to attend an orientation with the Program Coordinator and CDHE's Director of Outreach to ascertain any resources the scholars might need to ensure success, such as student support services, additional financial aid and academic advising.

The scholars planned to attend a variety of institutions:

- One planned to attend Red Rocks Community College to study engineering;
- Two planned to attend Emily Griffith Technical College—one to study in that institution's beauty and hair program and one to study construction;
- One planned to attend the Community College of Aurora to study pre-engineering and business; and
- One planned to attend the University of Colorado Boulder (CU) to study business.

Once the scholar was accepted by an institution, the Program distributed the scholarship funds directly to the institution.

However, only the scholar attending CU actually enrolled in school and was able to utilize the scholarship funds awarded. That student remained enrolled for the entire 2020-21 academic year. Importantly, that student had attended CU prior to receiving the scholarship and indicated to COPRRR staff an intent to continue at CU until graduating in 2022.

Additionally, this student reported having received wraparound services that pointed the student to resources that proved critical to success in several classes, supports the scholar would not have known about had the Program not provided these types of wraparound services.

Funds distributed to institutions for use by scholars who did not ultimately enroll in school were returned to CDHE.

³⁰ For example, some of the candidates may have been detained by DYS prior to adjudication, but not actually committed to DYS after adjudication. Scholarship eligibility required the candidate to have been committed to DYS.

Collateral Consequences - Criminal Convictions

The ninth sunset criterion requires COPRRR to examine whether the agency under review, through its licensing processes, imposes any sanctions or disqualifications based on past criminal history, and if so, whether the disqualifications serve public safety or commercial or consumer protection interests.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Program issues no licenses, thus this criterion is not applicable. Interestingly, though, the Program was created to assist those with past involvement with the criminal justice system.

COVID-19 Response

The COVID-19 pandemic placed extraordinary pressures on the citizens of Colorado, the Colorado economy and Colorado state government. As a result, COPRRR asked CDHE to summarize any measures the agency may have implemented in response to the COVID-19 pandemic, the results of those efforts and any lessons learned. This section of the report is intended to provide a high-level summary of those responses.

To help ensure that the scholar continued to receive wraparound services, the Program shifted to a process of providing such services virtually, via telephone and email support. The sole scholar was particularly able to adjust to this shift. Had the scholar been less prepared, a different outcome may have resulted.

Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendation that follows is offered in consideration of this criterion, in general, and any criteria specifically referenced in the recommendation.

Recommendation 1 - Sunset the Second Chance Scholarship Program and the Second Chance Scholarship Advisory Board.

The first sunset criterion asks, in short, and among other things, whether the program under review is necessary to protect the public health, safety and welfare.

The Second Chance Scholarship Program (Program) was created to provide those youth who have been committed to the Colorado Division of Youth Services (DYS) with financial resources to obtain a postsecondary education. The premise underlying the Program posits that a postsecondary education will reduce recidivism among such youth by providing a pathway to gainful employment and enabling positive contributions to society.

The Second Chace Scholarship Advisory Board (Board) was created to implement the Program by establishing eligibility criteria, developing the application process and awarding scholarships.

While there is plenty of research establishing a positive relationship between in-prison education and lower recidivism among adult offenders, and to a somewhat lesser degree among youth offenders, the same cannot be said for justice-involved youth obtaining postsecondary education after release. Importantly, there is simply a lack of research on this topic. This should not be interpreted as signifying that the underlying premise of the Program is faulty. On the contrary, there is simply not enough research to either prove or disprove that premise.

Additionally, the Program itself is unable to provide any data in this regard. Since only one scholarship was awarded under the Program, and that scholarship was awarded in 2020 only, there are simply not enough data from which any meaningful conclusions can be drawn.

Further, the lone student receiving scholarship dollars from the Program had already attended the University of Colorado Boulder (CU) for one year prior to receiving the scholarship and intended to graduate from CU in 2022. In short, the scholar received scholarship funds for one of the student's three years at CU. While the scholarship likely prevented the accumulation of additional student debt, it is not possible to conclude that the student would not have attended a postsecondary institution without the scholarship.

As a result, this sunset review is unable to determine whether the Program serves to protect the public health, safety and welfare. There are simply not enough data available to conduct any kind of meaningful analysis.

Additionally, the first sunset criterion also asks whether conditions have changed that led to the creation of the Program. While the desire to reduce recidivism among youth offenders continues to exist, at least one fundamental circumstance has changed since the Program was created—there is no longer any funding.

The General Assembly funded the Program for only one fiscal year. That funding ceased in the budgetary uncertainty brought about by the COVID-19 pandemic and has not been restored. Indeed, funding for the Program was not included in CDHE’s budget request for fiscal year 21-22, and it is impossible to predict if it ever will be.

In short, there is insufficient data to determine whether the Program protects the public health, safety and welfare, and the Program has been entirely defunded, rendering it defunct. Without the Program, there are no functions for the Board to perform. Therefore, the General Assembly should repeal both the Program and the Board.