Race-Conscious Scholarships:

Current State of the Law and Practice Guide[1]

Given the heightened scrutiny accompanying changes in the legality of race-based affirmative action in admissions, institutions of higher education should take the necessary steps to verify that financial aid awards and scholarships are structured and administered in a race-neutral manner. This includes engaging in at-times challenging discussions with potential donors about the importance of utilizing race-neutral criteria for gifts, even while achieving the donor's goals such as providing educational opportunities to underserved communities or increasing access to emerging educational disciplines.

Addressing existing scholarships requires institutions to choose among options that range along a continuum of risk and practicality. Institutions can work with active donors to modify existing gifts that may have race-conscious restrictions, or, where consent to modify a restriction cannot be obtained, seek modification of existing gifts through the judicial process. Institutions with some tolerance for risk might consider a "pool and match" methodology for allocating scholarship dollars, or might make a calculated decision to unilaterally set aside the wishes of the donor and continue to administer gift funds in a Title VI-compliant manner. Institutions can of course also decide to not use the funds at all.

This Practice Guide provides a primer on the relevant legal and regulatory background before introducing some methods for navigating existing restricted scholarships.

Legal Background

1. *Supreme Court Precedent*

While the Supreme Court has not specifically addressed the legality of race-conscious (or race restricted) scholarships,[2] many institutions of higher education have historically relied on Supreme Court decisions upholding the narrowly tailored use of race as a factor in the admissions process, and instructive Department of Education

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[1] This resource is for educational purposes only and does not create any attorney-client relationship or constitute legal advice. Readers should be careful to obtain their own independent legal advice from competent counsel before pursuing any of the avenues discussed below. NACUA thanks its Saul Ewing members Josh Richards, Amy Piccola, and Matt Reinhart for their assistance in preparing this Practice Guide on Race Conscious Scholarships and Financial Aid.

[2] For purposes of this guide, "race-conscious scholarships" includes scholarships, grants, and other types of financial aid awards that use race, color, and/or national origin as either an eligibility preference or requirement.

policy guidance .[3] The landscape drastically changed, however, in 2023 when the Supreme Court decided *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College* (the "SFFA Decision"), holding that the use of race as a factor in admissions was not permissible in even the extremely narrowly-tailored policies at issue[4] because the use of race failed to comply with strict scrutiny.[5] While the SFFA Decision only addressed the use of race in the admissions process, context suggests that the Supreme Court would likely find race-conscious scholarships to be equally impermissible under both the Equal Protection Clause[6] and Title VI of the Civil Rights Act of 1964 ("Title VI").[7]

2. *Lower Court Activity*

In the few cases directly addressing the issue, federal courts have uniformly found race-conscious financial aid, including scholarships, impermissible under both

[3] *See, e.g., Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), *Grutter v. Bollinger*, 539 U.S. 306 (2003); *see also Students for Fair Admissions, Inc. v. President & Fellows of Harvard College ("SFFA")*, 600 U.S. 181, 316 (2023) (noting "that for the last five decades, *Bakke* and *Grutter* have allowed narrowly tailored race based affirmative action in higher education.) (Kavanaugh, J., concurring). Institutions also relied on 1994 Title VI Policy Guidance issued by the Department of Education that permitted narrowly tailored, race-conscious scholarships to be administered to remedy past discrimination and increase student diversity. *See* 59 Fed. Reg. 8756, 8757-8758 (Feb. 23, 1994) (rescinded Aug 26, 2020) (providing that a college may "award student aid on the basis of race or national origin as part of affirmative action to remedy the effects of the school's past discrimination," permit financial aid awarded on the basis of race or national origin "if it is a necessary and narrowly tailored means" to create a diverse student body, and administer financial aid from private donors that is restricted by race or national origin "if that aid is consistent with other principles in th[e] policy guidance."), *available at* https://www.ed.gov/about/ed-offices/ocr/nondiscrimination-in-federally-assisted-programs. This guidance was rescinded on August 26, 2020. *See* https://www.ed.gov/sites/ed/files/policy/gen/guid/fr-200826-letter.pdf.

[4] 600 U.S. at 213 (2023) (holding that race-based "[u]niversity programs must comply with strict scrutiny, they may never use race as a stereotype or negative, and—at some point—they must end.").

[5] *Id.* at 206-07 ("Any exception to the Constitution's demand for equal protection must survive a daunting two-step examination known in our cases as strict scrutiny. Under that standard we ask, first, whether the racial classification is used to further compelling governmental interests. Second, if so, we ask whether the government's use of race is narrowly tailored—meaning necessary—to achieve that interest.") (internal citations and quotation marks omitted).

[6] U.S. Const. Amend. 14; *SFFA*., 600 U.S. at 206 ("Eliminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies 'without regard to any differences of race, of color, or of nationality'—it is 'universal in [its] application.'") (citation omitted)).

[7] 42 U.S.C. § 2000d (2024) ("No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."); *SFFA*, 600 U.S. at 198, n.2 ("We have explained that discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.") (quoting *Gratz v. Bollinger*, 539 U.S. 244, 276, n. 23 (2003)).

the Equal Protection Clause and Title VI.[8] The SFFA Decision has created a vehicle for individuals to challenge race-conscious scholarships and financial aid practices as both constitutionally and statutorily impermissible.[9] Plaintiffs in one such pending litigation directly quote the SFFA Decision in the first paragraph of the Amended Complaint: "'Eliminating racial discrimination means eliminating all of it.'"[10]

3. *Executive and Agency Action*

On January 21, 2025, President Donald J. Trump issued Executive Order 14173, pronouncing that "critical and influential institutions of American society," including institutions of higher education, "have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called 'diversity, equity, and inclusion' (DEI) or 'diversity, equity, inclusion and accessibility' (DEIA) that can violate the civil rights."[11] The Executive Order directed the Attorney General and the Secretary of Education to "issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, 20 U.S.C. 1070 *et seq*., regarding the measures and practices required to comply with *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023)."[12]

On February 14, 2025, the United States Department of Education ("ED"), Office for Civil Rights ("OCR"), published a "Dear Colleague Letter" (the "Letter") stating that "colleges, universities, and K-12 schools have routinely used race as a factor in admissions, *financial aid*, hiring, training, and other institutional programming."[13] The Letter further states that the SFFA Decision "sets forth a framework for evaluating the

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[8] *See, e.g., Podberesky v. Kirwan*, 38 F.3d 147, 161 (4th Cir. 1994) (en banc) (finding race-conscious scholarship program was not narrowly tailored and therefore unconstitutional); *Flanagan v. Georgetown Coll.*, 417 F. Supp. 377, 385 (D.D.C. 1976) (finding that set-aside of financial aid for minority law students violated Title VI).

[9] *See, e.g., Johnson et al v. The University of Oklahoma et al*, No. 5:24-cv-495 (W.D. Okla. May 15, 2024). As of the time of this publication, defendants have filed a motion to dismiss plaintiffs' class action, which is currently pending before the court.

[10] *Id*., Am. Complaint, ECF No. 42, at ¶ 1 (W.D. Okla. Aug. 5, 2024) (quoting *SFFA*, 600 U.S. at 206).

[11] E.O. 14173, Sec. 1 (Jan. 21, 2025).

[12] *Id*., at Sec. 5.

[13] *Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard* (the "Letter"), OCR, at 1 (Feb 14, 2025) (emphasis added), *available at* https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf; *But see Am. Fed'n of Tchrs. v. Dep't of Educ*., No. CV SAG-25-628, 2025 WL 1191844, at *23 (D. Md. Apr. 24, 2025) ("temporarily stay[ing] the [February 14, 2024, Dear Colleague] Letter—that is, [postponing] its effective date—under 5 U.S.C. § 705 pending a final resolution in this matter.").

use of race by state actors and entities covered by Title VI" and that "Federal law thus *prohibits covered entities from using race in decisions pertaining to* admissions, hiring, promotion, compensation, *financial aid, scholarships*, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life."[14]

On February 28, 2025, OCR published a set of "Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act" ("FAQs"), which was "intended to anticipate and answer questions that may be raised in response to the [Letter]."[15] In the FAQs, OCR specifically addressed the use of race in scholarships, noting "[t]he The SFFA Court meant that when there is a limited number or finite amount of educational benefits or resources—such as, inter alia, admissions spots in an incoming class, *financial aid, scholarships*, prizes, administrative support, or job opportunities—*a school may not take account of a student's race in distributing those benefits or resources*, even if race is only being considered as a positive or plus factor, because to advantage members of one race in a competitive or zero-sum process would necessarily disadvantage those of a different race…. Likewise, *schools may not administer scholarships*, prizes, or other opportunities *offered by third parties based on race*."[16]

Managing Existing Gifts

As previewed above, there are a variety of options institutions should consider as they evaluate the risks of, and potential solutions for, race-restricted scholarships and other financial aid. As with all important compliance decisions, institutions should consult with counsel regarding the potential use of these methods.

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[14] *See* Letter, at 2 (emphasis added).

[15] *Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act* ("FAQs"), OCR, at 1 (Feb. 28, 2025), *available at* https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf.

[16] *Id*. at Q&A 6, p. 5 (emphasis added). Consistent with the interpretation of the Equal Protection Clause and Title VI outlined in the Letter and FAQ, the Trump Administration is, at the time of publication of this guide, actively investigating institutions that appear to award race-conscious scholarships. *See e.g., Unlawful Illinois DEI Scholarship Program Suspended After Justice Department Threatened Lawsuit* (Press Release), DEPARTMENT OF JUSTICE (Apr. 11, 2025), *available at* https://www.justice.gov/opa/pr/unlawful-illinois-dei-scholarship-program-suspended-after-justice-department-threatened (announcing that the State of Illinois and six institutions suspended a "scholarship program established by Illinois law [that] used race as a prerequisite for participation" after the DOJ threatened to file suit on the basis that the "program unconstitutionally discriminated on the basis of race."); *Office for Civil Rights Initiates Title VI Investigations into Institutions of Higher Education* (Press Release), OCR (Mar. 14,2025), *available at* https://www.ed.gov/about/news/press-release/office-civil-rights-initiates-title-vi-investigations-institutions-of-higher-education-0 (announcing investigation of six institutions allegedly administering impermissible race-based scholarships).

1. *Work with the donor to modify gift restriction(s)*

The most straightforward manner to reduce the risk associated with race-restricted funds is for gift officers, financial aid administrators, and institutional counsel to work collaboratively with existing donors on the administration of restricted gifts. Where an existing gift instrument has a race-conscious restriction, a donor may consent, in writing, to release or modify, in whole or in part, the restriction. An institution can work directly with the donor to modify a race-conscious restriction to one that is race-neutral. For example, a donor may consider modifying a race-conscious restriction to a restriction focused on socioeconomic factors that will still fulfill as closely as possible the stated purpose of the gift.

2. *Reform the gift via court action*

Where modification of a restricted gift by obtaining donor consent is impossible or impractical, the Uniform Prudent Management of Institutional Funds Act ("UPMIFA") can be used to modify a restricted gift where it becomes impossible or illegal to enforce the original terms. Nearly every state has adopted some form of UPMIFA,[17] which sets forth several methods for modification of restricted gifts.[18]

In jurisdictions that have not adopted UPMIFA or where the version of UPMIFA adopted does not provide for an application to a court for *cy pres* reformation, the *cy pres* common law doctrine may serve as a vehicle to modify a restricted gift where it becomes impossible, impracticable, or illegal to enforce it under its original terms. *Cy pres* is an "equitable doctrine under which a court reforms a written instrument with a gift to charity as closely to the donor's intention as possible, so that the gift does not fail."[19]

Institutions should attempt to use a gift in accordance with the donor's stated purposes within the bounds of the law *before* seeking modification. Where a gift cannot be used in accordance with restrictions, institutions should consult with counsel about applicable state law for modifying restricted gifts.

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[17] https://www.uniformlaws.org/committees/community-home?CommunityKey=043b9067-bc2c-46b7-8436-07c9054064a3. An excerpt from Maryland's UPMIFA regarding the release or modification of restrictions is provided in Attachment A.

[18] https://www.uniformlaws.org/viewdocument/final-act-109?CommunityKey=043b9067-bc2c-46b7-8436-07c9054064a3&tab=librarydocuments.

[19] CY PRES, Black's Law Dictionary (12th ed. 2024); An example of a Petition for Cy Pres is provided in Attachment B.

3. *Unilaterally set aside donor intent*

In circumstances where reforming a gift either through discussions with donors or through a legal reformation process is not possible or practical, institutions with some tolerance for risk could also consider whether unilaterally setting aside donor intent as unlawful may be appropriate. This consideration should be made after consultation with legal counsel, a consideration of applicable state laws and any applicable contractual language, and evaluation of all the risks of such unilateral action. Institutions contemplating such an approach may also wish to think carefully about whether and how to document their decision – both in the aggregate, if on a large scale, and with respect to each individual gift instrument – in the event the decision were later challenged by a donor or other public enforcement entity.

4. *Pool and match*

Another potential approach for institutions with strong mission- or other institutionally-driven reasons to maintain restricted scholarships is pool and match. The "pool and match" method, which is rooted in Title IX regulations,[20] is a system whereby institutions administer restricted gifts through the creation of a unified pool of financial assistance from various sources. As discussed further below, there is no corresponding Title VI regulation, and no court has expressly permitted pool and match to be used outside the context of sex-restricted aid. Before reaching the legal risks, a brief explanation of how the concept of pool and match operates:

As a first step, the institution makes neutral decisions regarding how much aid each enrolled student will receive, without regard to any particular aid source that may be restricted/available for that student. The amount of aid available to each student having thus been set, the institution creates a broad *pool* of available scholarship funds. For example, a donor scholarship that restricts dollars to students of a particular sex (or, here, race) would be pooled with dollars available based on other criteria, *e.g.,* GPA or declared major, first-generation status, or a demonstrated interest in STEM. After pooling sources, an institution awards financial support to individual students based on the already-calculated award amounts, *matching* students with specific scholarships from the pool based on donor preferences. Gaps between awards and available scholarship funds are then made up through institutional funds. In a pool and match system, it is imperative that care is taken to ensure that the overall effect of the total award does not discriminate – put another way, that each student receives the amount of aid allotted for them pursuant to neutral criteria.

[20] 34 C.F.R. § 106.37(a) and (b); *See also* Questions and Answers Regarding OCR's Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs (Jan. 14, 2021) (archived and not for reliance), *available at* https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/qa-single-sex-20210114.pdf.

Institutions considering a pool and match system for utilizing race-restricted funds should proceed with caution. This system has not been approved by courts or endorsed in Title VI regulations [21] or ED Title VI guidance. Instead, the (untested) argument is that because there is no overall discriminatory effect – no "zero-sum" effect – associated with the award of aid in this manner, gifts restricted on the basis of race do not deprive any student of any benefit; each student's receipt of financial assistance is set without regard to any restricted sources.

Even so, for the reasons given in the preceding paragraph, and because race-restricted scholarships trigger strict scrutiny rather than the intermediate scrutiny traditionally applied by courts to analyze sex-based classifications, this path is not without its risks. The underlying use of race-conscious gifts in a "pool and match" system, even where the overall effect of the unified award may not result in any additional benefits based on race, may still run contrary to the law with respect to use of race as a factor in awarding scholarships.

5. *Refrain from the use of the funds*

As a last resort, should an institution not be able to modify an existing gift that contains race-conscious restrictions, whether through obtaining the written consent of the donor or through legal reformation by a court, the institution can decide to not use the funds. While this results in the loss of available funding, it may in some cases be the only option available to come into compliance.

Conclusion

The current state of the law and administrative guidance heavily disfavors the use of race-based restrictions or preferences in higher education. Under current law, scholarship awards that include race-conscious restrictions or preferences are unlikely to survive strict scrutiny and are vulnerable to legal challenges under the Equal Protection Clause and Title VI. Institutions should work with potential donors to ensure future gifts are structured and administered in a race-neutral manner, take inventory of their current scholarship and financial aid gift portfolios, and modify existing gifts as necessary to bring them into compliance.

[21] While there is some language in the Title VI regulations that states that institutions may take "affirmative action" as well as additional steps to make educational "benefits fully available to racial and nationality groups previously subject to discrimination," those regulations fall short of endorsing the use of race conscious scholarships to achieve that purpose. *See* 34 C.F.R. §§ 100.3(b)(6), 100.5(h); *Cf. Flanagan*, 417 F. Supp. at 384 ("Affirmative action may be justified provided is does not violate the non-discrimination provisions of Title VI and is administered on a racially neutral basis.").

Attachment A

Md. Code Ann., Est. & Trusts § 15-405 (West 2024)

§ 15-405. Release or modification of restrictions.

Release or modification of restriction by donor

(a)(1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund.

(2) A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

Release or modification by court of obsolete, inappropriate, or impracticable restrictions

(b)(1) If written consent of the donor cannot be obtained by reason of the death, disability, unavailability, or impossibility of identification of the donor, a court of competent jurisdiction, on application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become obsolete, inappropriate, or impracticable, or if, because of circumstances not anticipated by the donor, a modification of a restriction will clearly further the purposes of the fund.

(2)(i) The institution shall notify the Attorney General of the institution's application under paragraph (1) of this subsection, and the Attorney General shall be given an opportunity to be heard.

(ii) To the extent practicable, any modification made under paragraph (1) of this subsection must be made in accordance with the donor's probable intention.

Release or modification by court of unlawful, impracticable, or impossible restrictions

(c)(1) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, or impossible to achieve and written consent of the donor cannot be obtained by reason of the death, disability, unavailability, or impossibility of identification of the donor, a court of competent jurisdiction, on application of an institution, may modify the purpose of the fund or the restriction on the use of the fund if the donor manifested a general charitable intent.

(2) The institution shall notify the Attorney General of the institution's application under paragraph (1) of this subsection, and the Attorney General shall be given an opportunity to be heard.

Release or modification by institution of unlawful, impracticable, or impossible restrictions

(d) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, or impossible to achieve, the institution, 60 days after notification to the Attorney General, may release or modify the restriction, in whole or in part, if:

(1) The institutional fund subject to the restriction has a total value of less than $50,000;

(2) More than 20 years have elapsed since the fund was established; and

(3) The institution uses the property in a manner clearly consistent with the charitable purposes expressed in the gift instrument.

Attachment B

Hypothetical example for informational purposes only

To: Interested Party
You are hereby notified to file a written response to the Petition for Cy Pres within twenty (20) days from the date of notice or on or before the date when the pleading is to be filed, whichever is later, or the court may deem that you have no objection to the relief requested therein and may grant such relief without further notice to you.

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

NO. _____

IN RE: THE UNIVERSITY OF ANYSTATE
RESTRICTED ABCD SCHOLARSHIP

PETITION FOR CY PRES

The UNIVERSITY OF ANYSTATE (your "Petitioner," and sometimes herein referred to by its proper name, the "University of ANYSTATE"), by its attorneys, Law Offices of XYZ, hereby petitions this Honorable Court for *cy pres* pursuant to Section 7740.3 of the Uniform Trust Act, 20 Pa. C.S. § 7740.3, and in support thereof states the following:

1. Petitioner is a Pennsylvania non-profit corporation.

2. Petitioner's registered address and location is 1234 ABC Street.

3. The University of Anystate is an institution of higher education established … [include history of institutions]

4. The mission of the University of Anystate is to….

5. The University of Anystate is authorized by the Commonwealth of Pennsylvania to grant degrees in science, technology, engineering, and math ("STEM").

6. Petitioner holds an endowment fund made up of restricted charitable donations given by private donors for various purposes, including, but not limited to, providing scholarships for students to attend the University of Anystate. One of these restricted scholarships is the ABCD scholarship, which provides scholarship awards to minority students who meet minimum GPA requirements and show a demonstrated interest in a STEM career with the stated goal of providing financial support to individuals in underrepresented communities seeking to go into STEM careers.

7. Due to a change in federal case law regarding use of race-based affirmative action in higher education and subsequent executive agency action, it has become [e.g., unlawful, impracticable, or wasteful] to administer restricted scholarship ABCD as currently provided for with the stated restriction of providing scholarship awards to minority students who meet minimum GPA requirement and show a demonstrated interest in STEM careers.

8. Section 7740.3 of the Uniform Trust Act, 20 Pa. C.S. § 7740.3, provides, *inter alia,* that if a particular charitable purpose becomes unlawful, impracticable or wasteful, the trust does not fail and the court shall apply *cy pres* to fulfill as nearly as possible the settlor's (i.e., donor's) charitable intention, whether it be general or specific.

9. Petitioner avers that due to the change in federal case law and subsequent agency action, it will be [unlawful, impracticable or wasteful] to honor the restrictions as expressed in connection with administering the funds as restricted to only minority students, and therefore, the restricted funds should be awarded *cy pres* to modify the restriction as described in this Petition in order to fulfill as nearly as possible the

respective donor's charitable intent, pursuant to Section 7740.3 of the Uniform Trust Act, 20 Pa. C.S. § 7740.3.

10. Petitioner believes that the best alternative, which would fulfill as nearly as possible the donor's charitable intentions of providing financial support to individuals in underrepresented communities seeking to go into STEM careers is to reform the ABCD scholarship to remove and render null and void the existing restriction that the award "be given to minority students who meet minimum GPA requirements and show a demonstrated interest in a STEM career", and replaced with a restriction that such funds "shall be used to provide scholarships to any University of Anystate student who is Pell grant eligible, who meets the minimum GPA requirements, and who shows a demonstrated interest in a STEM career."

11. The parties-in-interest to this *Cy pres* petition are _____. Notice of the filing of this Petition is being given to _____. A copy of the notice letters to such parties-in-interest are attached hereto as Exhibit "A."

12. Notice of the filing of this Petition and a copy of the Petition is also being given to the Attorney General, as *parens patriae*. A copy of the notice to the Attorney General is

attached hereto as Exhibit "B."

WHEREFORE, Petitioner respectfully requests that this Honorable Court issue an Order that the restricted ABCD scholarship be awarded *cy pres* to remove and reform the restricted scholarship ABCD as stated in this petition and accompanying proposed decree.

Respectfully,

_____

Law Offices of XYZ

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

NO. _____

IN RE: THE UNIVERSITY OF ANYSTATE
RESTRICTED ABCD SCHOLARSHIP

DECREE

AND NOW, this day of , A.D. 2025, upon consideration of the Petition for *Cy Pres*, and as a result of [unlawfulness, impracticability or wastefulness] of administering the current award restriction, it is hereby ORDERED and DECREED that the restricted ABCD scholarship in the endowment funds of THE UNIVERSITY OF ANYSTATE, shall be awarded *cy pres* to remove and render null and void the existing restriction that the award "be given to minority students who meet minimum GPA requirements and show a demonstrated interest in a STEM career", and replaced with a restriction that such funds "shall be used to provide scholarships to any University of Anystate student who is Pell grant eligible, who meets the minimum GPA requirements, and who shows a demonstrated interest in a STEM career" and thereafter fulfill as nearly as possible the donor's intention of increasing access to STEM educational opportunities in underserved communities.

BY THE COURT:

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J.