
OLR Bill Analysis

sHB 6228

AN ACT PROHIBITING INSTITUTIONS OF HIGHER EDUCATION FROM INQUIRING ABOUT A PROSPECTIVE STUDENT'S CRIMINAL HISTORY DURING THE ADMISSIONS PROCESS AND ESTABLISHING A PRISON EDUCATION PROGRAM OFFICE.

SUMMARY:

This bill prohibits higher education institutions from (1) asking about applicants' prior arrests, criminal charges, or convictions on an admissions application or for program of study enrollment and (2) considering them when making admissions or financial aid eligibility decisions, including decisions about institutional aid, unless federal or state law otherwise requires.

Additionally, it establishes the Postsecondary Prison Education Program Office ("the office") in the Department of Correction (DOC). The office must approve higher education institutions to operate postsecondary, credit-bearing prison education programs for incarcerated students. The bill outlines the office's duties and limits its authority over selecting program curricula and materials.

The bill also requires (1) the approved program providers to fulfill certain responsibilities related to providing student financial aid information and (2) both the office and program providers to have at least one enrolled student participate in any program assessment or evaluation should either entity choose to conduct one.

EFFECTIVE DATE: July 1, 2021

POSTSECONDARY PRISON EDUCATION PROGRAM OFFICE

Duties and Responsibilities

Under the bill, the office's duties and responsibilities include approving higher education institutions by July 1, 2023, to operate prison education programs in the state. To approve an institution, the

office must determine that it operates prison education programs in the best interest of students. This determination must be based on the following factors:

1. the factors in the federal FAFSA Simplification Act (see BACKGROUND);
2. the institution establishing an academic and student service plan for implementing a prison education program;
3. the institution providing trained financial aid and academic advisors to advise students in correctional facilities, including advising on the completion of the Free Application for Federal Student Aid (FAFSA);
4. the institution providing educational accommodations to students with disabilities who enroll in a program;
5. the institution providing reentry counseling for a student, including guidance on (A) continued enrollment in the institution for the completion of any program of study begun in a prison education program and (B) transferring credits to another institution after release from a correctional facility; and
6. the institution providing a process for prison education program students to register a complaint or grievance against the program, an advisor, or the institution and notifying students of this process when they enroll.

The bill requires the office to prioritize approving an institution that meets any of the following qualifications: (1) has experience operating prison education programs, (2) either participates in the federal Pell Grant Program or provides prison education programs at no cost to students, or (3) can provide in-person programs. The bill prohibits the office from approving institutions providing asynchronous prison education programs unless they are necessary and cannot be provided in person.

Additional office duties include (1) coordinating prison education

program facilitation in partnership with these approved institutions and (2) providing equitable access to resources for the successful completion of prison education programs, including classrooms; study areas; and any necessary electronic devices.

Complaint Process

Under the bill, the office's complaint process must address student complaints about (1) the institution providing the program, (2) any DOC policies or employees impeding a student's access to necessary resources for completing the program, or (3) an institution's or the DOC's failure to provide necessary accommodations to a student for a disability.

The process must also address complaints made by an institution providing a prison education program about any problems in the program implementation that may be resolved by the office or DOC.

Program Materials

The bill prohibits the office from interfering with an approved institution's curriculum or material selections unless the materials present a clear physical threat to the safety and security of the correction facility as determined by the correction commissioner.

APPROVED PROGRAM PROVIDERS

Financial Aid Duties

The bill requires each higher education institution that is approved to offer a prison education program to provide uniform financial aid information to every student accepted for enrollment. Each institution must provide the information before the institution's prison education program enrollment deadline so that each prospective student has sufficient time to make an informed decision. Each institution must use the college financing plan template developed by the U.S. Department of Education pursuant to the Higher Education Opportunity Act (P.L. 110-315).

PROGRAM EVALUATION

If the office or any approved institution offering a prison education

program conducts a program assessment or evaluation, then the bill requires that at least one enrolled student participate.

BACKGROUND

FAFSA Simplification Act

The federal FAFSA Simplification Act establishes, among other things, conditions that prison education programs must fulfill in order to be considered as operating “in the best interest of students” under the federal Higher Education Act of 1965. This determination must be made by each state’s department of corrections or other entity or by the Bureau of Prisons, and may be based on the following:

1. rates of confined or incarcerated individuals continuing their education post-release;
2. job placement rates, earnings, and recidivism rates for these individuals;
3. the experience, credentials, and rates of turnover or departure of instructors;
4. the transferability of credits for courses available to confined or incarcerated individuals and the applicability of these credits toward related degree or certificate programs; or
5. offering relevant academic and career advising services to participating confined or incarcerated individuals while they are confined or incarcerated, in advance of reentry, and upon release (FAFSA Simplification Act, P.L. 116-260, Sec. 702(n)(1)(A)(iv)).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/04/2021)