



# House of Representatives

General Assembly

**File No. 92**

January Session, 2021

Substitute House Bill No. 6228

*House of Representatives, March 22, 2021*

The Committee on Higher Education and Employment Advancement reported through REP. ELLIOTT of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2021*) Unless otherwise required by  
2 an applicable state or federal law, no institution of higher education in  
3 the state shall (1) inquire about a prospective student's prior arrests,  
4 criminal charges or convictions (A) on an application for admission to  
5 such institution, or (B) for enrollment in any program of study offered  
6 by such institution, or (2) consider a student's prior arrests, criminal  
7 charges or convictions in (A) the admissions process for such student,  
8 or (B) determining the eligibility of such student for any form of  
9 financial aid, grant or scholarship program, including, but not limited  
10 to, institutional financial aid.

11 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) As used in this section, "prison

12 education program" means a program of study offered by institutions  
13 of higher education that provides course credit to students incarcerated  
14 in correctional facilities.

15 (b) There is established a Postsecondary Prison Education Program  
16 Office within the Department of Correction which shall report directly  
17 to the Commissioner of Correction. The duties and responsibilities of  
18 the office shall include, but need not be limited to, (1) on or before July  
19 1, 2023, approving institutions of higher education to operate prison  
20 education programs at correctional facilities in the state, (2)  
21 coordinating with approved institutions of higher education in the  
22 implementation of prison education programs, and (3) providing  
23 equitable access to resources necessary for the successful completion of  
24 prison education programs, including, but not limited to, classrooms,  
25 study areas and any necessary electronic devices.

26 (c) The Postsecondary Prison Education Program Office shall  
27 approve an institution of higher education to operate a prison education  
28 program if the office determines that such institution operates such  
29 programs in the best interest of students. Such determination shall be  
30 based on (1) the factors for making such determination set forth in the  
31 FAFSA Simplification Act, P.L. 116-260, Sec. 702(n)(1)(A)(iv), as  
32 amended from time to time, (2) the institution establishing an academic  
33 and student service plan for the implementation of a prison education  
34 program, (3) the institution providing trained financial aid and  
35 academic advisors to advise students in correctional facilities, including,  
36 but not limited to, advising on the completion of the Free Application  
37 for Federal Student Aid, (4) the institution providing educational  
38 accommodations to students with disabilities who enroll in a prison  
39 education program, (5) the institution providing reentry counseling for  
40 a student, including, but not limited to, guidance on (A) continued  
41 enrollment in such institution for the completion of any program of  
42 study initiated in a prison education program, and (B) transferring  
43 credits to another institution of higher education after release from a  
44 correctional facility, and (6) the institution providing a process for  
45 students enrolled in a prison education program to register a complaint

46 or grievance against the program, an advisor or the institution and  
47 notifying students of such process upon enrollment.

48 (d) The Postsecondary Prison Education Program Office shall  
49 prioritize the approval of institutions of higher education in the state  
50 that (1) have experience operating prison education programs, (2)  
51 participate in the federal Pell Grant Program pursuant to 34 CFR 690.7  
52 or provide prison education programs at no cost to students, and (3) can  
53 provide in-person prison education programs. The office may not  
54 approve any institutions operating an asynchronous prison education  
55 program, unless such program is necessary and cannot be provided in-  
56 person for any reason.

57 (e) The Postsecondary Prison Education Program Office shall  
58 establish a process for addressing complaints by (1) students enrolled in  
59 a prison education program regarding (A) the institution of higher  
60 education operating such program, (B) any Department of Correction  
61 policies or employees impeding such student's access to resources  
62 necessary for the completion of such program, or (C) the failure of an  
63 institution of higher education or the department to provide necessary  
64 accommodations to such student for a disability, and (2) institutions of  
65 higher education operating prison education programs regarding any  
66 problems in the implementation of a prison education program that  
67 may be resolved by the office or the department.

68 (f) The Postsecondary Prison Education Program Office shall not  
69 interfere with an approved institution of higher education in the  
70 selection of curricula or materials used in prison education programs,  
71 unless such materials present a clear physical threat to the safety and  
72 security of the correctional facility as determined by the Commissioner  
73 of Correction.

74 (g) Each institution of higher education operating a prison education  
75 program shall provide uniform financial aid information to every  
76 prospective student who has been accepted for enrollment in such  
77 program. Each institution shall provide such information prior to such  
78 institution's prison education program enrollment deadline for the

79 purpose of providing each prospective student with sufficient time to  
 80 make an informed decision about enrollment. Each institution shall use  
 81 the college financing plan template developed by the United States  
 82 Department of Education pursuant to the Higher Education  
 83 Opportunity Act, P.L. 110-315, to provide such information.

84 (h) If the Postsecondary Prison Education Program Office or any  
 85 institution of higher education operating a prison education program  
 86 engages in an assessment or evaluation of such prison education  
 87 program, one or more students enrolled in such program shall  
 88 participate in such assessment or evaluation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section
Sec. 2	July 1, 2021	New section

**Statement of Legislative Commissioners:**

In Section 2, Subsec. (d) was divided into two sentences and "(1) have experience operating prison education programs, (2) participate in the federal Pell Grant Program pursuant to 34 CFR 690.7 or provide prison education programs at no cost to students, and (3)" was added for clarity and conciseness, and in Subsec. (c) the last sentence was deleted to conform with the changes being made in Subsec. (d) and "Consolidated Appropriations Act, 2021, P.L. 116-260, Sec. 701(n)(1)(A)(iv)" was changed to "FAFSA Simplification Act, P.L. 116-260, Sec. 702(n)(1)(A)(iv)" for accuracy.

**HED**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which establishes the Postsecondary Prison Education Program Office within the Department of Correction (DOC), results in no fiscal impact to the state. The department is currently overseeing prison education programs, which are offered by four community colleges (under the Board of Regents) and a few private institutions. The department and the community colleges can perform the bill's duties using existing staff and resources.

The bill also makes college and university admissions, program enrollment, and financial aid changes with respect to criminal history, which results in no fiscal impact to the constituent units.

**The Out Years****State Impact:** None**Municipal Impact:** None

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**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**

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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)