Referred to Committee on HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT

Introduced by:
  (HED)

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:

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

Sec. 2. (NEW) (Effective July 1, 2021) (a) As used in this section, "prison education program" means a program of study offered by institutions of higher education that provides course credit to inmates in correctional facilities.
(b) There is established a Prison Education Program Office within the Department of Correction. The duties and responsibilities of the office shall include, but need not be limited to, (1) on or before July 1, 2023, providing institutions of higher education approval to operate prison education programs at correctional facilities in the state, (2) coordinating the facilitation of prison education programs in partnership with approved institutions of higher education, and (3) providing equitable access to resources required for the successful completion of prison education programs, including, but not limited to, classrooms, study areas and any necessary electronic devices.

(c) The Prison Education Program Office shall approve an institution of higher education to operate prison education programs pursuant to subsection (b) of this section upon the determination that such institution operates such programs in the best interest of students. Such determination shall be based on (1) the factors for making such determination set forth in the Consolidated Appropriations Act, 2021, P.L. 116-260, Sec. 701(n)(1)(A)(iv), as amended from time to time, (2) the institution establishing an academic and student service plan for the implementation of a prison education program, including a student application process, (3) the institution employing financial aid and academic advisors who are trained to advise students in correctional facilities, including, but not limited to, advising on the completion of the Free Application for Federal Student Aid, (4) the institution providing educational accommodations to students with disabilities who enroll in a prison education program, (5) the institution providing reentry services for a student, including, but not limited to, continued enrollment in such institution for the completion of any program of study initiated in a prison education program and guidance on transferring credits after release from a correctional facility, and (6) the institution providing a process for students enrolled in a prison education program to register a complaint or grievance against the program, an advisor or the institution and notifying students of such process upon enrollment.
(d) The Prison Education Program Office shall prioritize the approval of institutions of higher education in the state that can provide in-person prison education programs and may not approve institutions providing asynchronous prison education programs, unless such programs are necessary and cannot be provided in person for any reason.

(e) The Prison Education Program Office shall establish a process for addressing complaints by (1) students enrolled in a prison education program regarding (A) the institution of higher education providing such program, or (B) any Department of Correction policies or employees impeding such student's access to resources necessary for the completion of such program, and (2) institutions of higher education providing prison education programs regarding any problems in the implementation of a prison education program that may be resolved by the office or the department.

(f) The Prison Education Program Office shall not interfere with an approved institution of higher education in the selection of curricula or materials used in prison education programs, unless necessary for the safety and security of the correctional facility.

(g) Each institution of higher education providing a prison education program shall provide uniform financial aid information to every prospective student who has been accepted for enrollment in such program. Each institution shall provide such information at least forty-five days prior to such institution's prison education program enrollment deadline for the purpose of providing each prospective student with sufficient time to make an informed decision about enrollment. Each institution shall use the college financing plan template developed by the Consumer Financial Protection Bureau and the United States Department of Education pursuant to the Higher Education Opportunity Act, P.L. 110-315, to provide such information.

(h) If the Prison Education Program Office or any institution of higher education providing prison education programs engages in an assessment or evaluation of a prison education program, one or more
80 students enrolled in such program shall participate in such assessment
81 or evaluation.

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**Statement of Purpose:**
To prohibit institutions of higher education from inquiring about a prospective student's criminal history during the admissions process and to establish a Prison Education Program Office to facilitate prison education programs at correctional facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. PORTER, 94th Dist.; REP. HUGHES, 135th Dist.
REP. MICHEL, 146th Dist.

H.B. 6228