



General Assembly

**Substitute Bill No. 6228**

January Session, 2021



**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.*