

Higher Education and Employment Advancement Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5339

AN ACT PROHIBITING THE CONSIDERATION OF SCHOOL DISCIPLINARY HISTORY DURING THE ADMISSIONS PROCESS AT AN INSTITUTION OF

Title: HIGHER EDUCATION.

Vote Date: 3/14/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/5/2024

File No.:

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SPONSORS OF BILL:

Rep. Robyn A. Porter, 94th District.
Rep. Anne M. Hughes, 135th District.
Rep. Anthony L. Nolan, 39th District.

REASONS FOR BILL:

This bill would prohibit institutions of higher education from considering the school disciplinary history of an applicant during the admissions process. Research has shown that students of color and disabled students are often punished more frequently and more harshly for committing the same infractions as white students. According to agency officials, research has shown that students with disabilities and students of color face more discipline not because of worse behavior than students from other groups, but because of cultural biases and subjective interpretations of these students' behavior that often leads to harsher discipline, even sometimes to the point of being sent to the police and potentially leading children down the school-to-prison pipeline. This leads to many black or disabled students avoiding applying to colleges that ask about disciplinary history during the application process. This bill would remove a barrier of entry that many students with disabilities and students of color face to gaining access to Higher Education, which would increase enrollment, and would help to alleviate some of the pressure on the criminal justice system.

SUBSTITUTE LANGUAGE:

The substitution modifies the language of line #8 to remove post-secondary schools from the definition of "school disciplinary history" as used in section 1 of this bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

[Commission on Human Rights and Opportunities](#): supports this bill and states that research has consistently shown that students with disabilities and students of color face more discipline not because of worse behavior than students from other groups, but rather because of longstanding cultural biases and subjective interpretations of the behavior of these students that often lead to harsher discipline. They cite a report by the Connecticut Board of Education saying that black students are more than three times as likely and Hispanic/Latinx students are more than two times as likely as their white counterparts to be suspended or expelled. These disciplinary practices impact a child's access to education and could lead them down the school-to-prison pipeline. This bill removes a barrier of access to education for children who may have been adversely impacted by inequitable disciplinary policies.

[Connecticut State Colleges and Universities, Senior Director of Government Relations, Chelsea Neelon](#): support the intent of this legislation. They state that the common application and coalition application no longer ask criminal justice information questions, although some institutions still ask such questions, such as Southern Connecticut State University. They state that the purpose of this policy is to afford procedural due process to SCSU applicants who indicate a prior felony conviction and/or separation from another institution of higher education for disciplinary reasons. They recommend allowing institutions to consider these questions on a case-by-case basis.

NATURE AND SOURCES OF SUPPORT:

[Special Education Equity for Kids of Connecticut \(SEEK\), Legislative Chair, Andrew Feinstein](#): supports this bill stating that many schools have dedicated to seeking out and punishing rule violators, which has resulted in the creation of an underclass of students with disciplinary problems whose futures in education are now in jeopardy. Students with disabilities become part of this underclass at disproportionate rates, and face expulsion, suspension, and school-based arrests at rates significantly higher than other students. This proposed legislation would allow for these students to have a fresh start after graduation. They state that there is no reason not to include elementary school disciplinary records as part of the prohibited class and that the language "for violation of a policy" could be read as a limitation and recommend a more absolutist approach.

[Center for Children's Advocacy, Youth Justice Project, Director, Marisa M. Halm](#): supports this bill and states that by mandating public institutions of higher education in Connecticut to remove questions concerning school discipline history from their application process, this will help to increase the number of college applications from students of color. Black and LatinX students with discipline histories are often deterred from completing the application process when they learn they need to submit this information.

[Connecticut Justice Alliance, Executive Director, Christina Quaranta](#): supports this bill and states that the American Association of College Registrars and Admissions Officers formed a national work group in 2018 to develop guidance and best practices for collecting criminal justice information in higher education applications. The resulting report emphasizes the national concern over hindering access to higher education. Studies supported by the Office of Juvenile Justice and Delinquency Prevention highlight education as a primary protective factor against delinquency. They state that this legislation could benefit the economy and help alleviate pressure on the criminal justice system.

[American Civil Liberties Union of Connecticut, Policy Counsel, Jess Zaccagnino](#): supports this bill stating that there is strong evidence that students of color are disproportionately punished at school. They state that black students are more likely than white students to face all forms of punishment, from just being removed from the classroom to being sent to the police, and black students with disabilities are more likely than any other group to experience the most extreme forms of discipline. In 2023, the U.S. Education and Justice Departments highlighted the unlawful discrimination they have found when investigating complaints of mistreatment over the last three presidential administrations. They found six patterns of discrimination in punishment that disproportionately harmed kids of color:

1. More frequent punishment for infractions that are subjectively measured compared to white students.
2. Harsher punishment for the same infraction.
3. Using exclusionary interventions, like removal from class or school, on Black students compared to white students who have committed the same infractions.
4. A tendency to call the police when Black students are involved compared to white students.
5. Failure by school officials to offer legitimate non-discriminatory reasons for disciplinary actions taken against Black students.
6. Poor administration of discipline systems, including providing incorrect data, and a tendency to violate proscribed discipline procedures.

Black students are not more likely to misbehave than other students, even when accounting for different socioeconomic backgrounds. This legislation would prevent Institutions of Higher Education from being able to discriminate.

NATURE AND SOURCES OF OPPOSITION:

[Connecticut Conference of Independent Colleges, President, Jennifer Widness](#): states that while they do recognize the barriers that asking about disciplinary history present to the accessibility of higher education, they oppose this bill because they oppose any bill that that interferes with institutional autonomy as it relates to the admissions process. They believe institutions are in the best position to make decisions that will help build a diverse admissions class.

Reported by: Patrick Buckley

Date: 3/21/2024