



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	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section

HED *Joint Favorable Subst.*

JUD *Joint Favorable*