

# SENATE BILL REPORT

## SB 6582

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As Amended by House, March 1, 2018

**Title:** An act relating to the criminal history of applicants to institutions of higher education.

**Brief Description:** Concerning the criminal history of applicants to institutions of higher education.

**Sponsors:** Senators Chase, Saldaña and Hasegawa.

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 1/30/18, 1/31/18 [DP-WM, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 2/13/18, 28-19.

Passed House: 3/01/18, 62-36.

**Brief Summary of Bill**

- Enacts the Washington Fair Chance to Education Act.
- Prohibits institutions of higher education from requesting criminal history in an initial application unless a third-party application is used.
- Permits institutions of higher education to request criminal history after an applicant has otherwise been deemed qualified for admission.
- Requires institutions of higher education to develop a process to evaluate the relationship between an applicant's criminal history and admissions or residency decisions to justify denial of admission or access to residency.

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**SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle, Liias, Miloscia and Nelson.

**Minority Report:** Do not pass.

Signed by Senator Hawkins, Ranking Member.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** That it be referred without recommendation.

Signed by Senator Short.

**Staff:** Alicia Kinne-Clawson (786-7407)

**Background:** Legislation Pertaining to the Use of Criminal History in College Admissions in Other States. In 2017, Louisiana became the first state to prohibit institutions of higher education from inquiring about prior criminal history during the college application process. The law makes exceptions so that colleges may ask about sexual violence or stalking convictions. Additionally, colleges may ask about criminal history after a student has been admitted for the purposes of financial aid or campus housing. Effective in fall 2018, the State University of New York System has banned the use of criminal history in college admissions. Institutions may ask for criminal history after admission.

**Summary of Bill:** Initial Applications for Admission. Unless an institution of higher education is using a third-party application, they are prohibited from requesting information about the criminal history of an applicant. If the institution is using a third-party application, they must post a notice on their website stating that the institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus based on an applicant's criminal history.

After Qualification for Admission. After an applicant has been deemed qualified for admission, an institution of higher education may inquire into or obtain information about an applicant's criminal conviction history for the purpose of:

- accepting or denying admission or restricting access to campus residency; or
- offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

After inquiring about or obtaining an applicants criminal history, the institution may not unreasonably deny admission or restrict access to campus residency based on an applicant's criminal history.

Each institution of higher education must develop a process for evaluating the relationship between an applicant's criminal history and a specific academic program or campus residency in order to justify denial of admission or restriction of access to residency.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The principle here is about giving someone an individual determination about what happened in their past. This requires institutions of higher education to consider an individual's history and what may have led to someone's interaction with the criminal justice system in the past. This is a great opportunity to give

people an opportunity to pursue education which in turn prevents recidivism. This bill is about giving people a second chance. The research shows no difference in campus safety between those that ask about criminal history and those that do not. For this reason, the University of Washington ceased asking about criminal history this past fall. Removing barriers to education is a top legislative priority for the Reentry Council and this bill does that.

OTHER: We support intent to prevent students from being automatically denied due to a criminal record. The questions currently asked on our application are targeted to help the institution understand if the applicant poses a risk to the campus community. Admission is not routinely denied to applicants who indicate a criminal history. The bill could benefit from narrowing the definition of criminal history.

**Persons Testifying:** PRO: Senator Maralyn Chase, Prime Sponsor; Bob Cooper, Washington Defender Association, Washington Association of Criminal Defense Lawyers; James Jackson, Civil Survival; Tarra Simmons, Statewide Reentry Council; Christopher Beasley, Civil Survival; Zak Kinneman, citizen.

OTHER: Becca Kenna-Schenk, Western Washington University.

**Persons Signed In To Testify But Not Testifying:** No one.

**EFFECT OF HOUSE AMENDMENT(S):**

- Modifies the term "criminal conviction history" to "criminal history" to be consistent throughout the bill.
- Adds a provision that institutions of higher education must consider serious violent offenses and sex offenses in the type of criminal history used to justify denial of admission or restriction of access to campus residency.