

HOUSE BILL REPORT

SB 6582

As Reported by House Committee On:
Higher Education

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: 2/21/18, 2/23/18 [DPA].

**Brief Summary of Bill
(As Amended by Committee)**

- Prohibits the public institutions of higher education from using initial admissions applications that request information about an applicant's criminal history.
- Allows institutions to inquire into criminal history after the applicant has otherwise been determined to be qualified for admission.
- Prohibits an institution from automatically or unreasonably denying an applicant's admission or restricting access to campus residency based on the applicant's criminal history.
- Requires institutions to develop a process for determining whether there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial or restriction.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass as amended. Signed by 9 members: Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler, Orwall, Sells, Stambaugh and Tarleton.

Staff: Trudes Tango (786-7384).

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.

Background:

Generally, the four-year public institutions of higher education have the discretion to establish their own admission standards, subject to laws prohibiting discrimination based on protected status, such as race, sex, color, and national origin. Admission standards vary depending on the type of institution and other factors.

State law provides that the public community and technical colleges (CTC) maintain an "open-door policy" by which no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability, and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body. The statutes also provide that the administrative officers of the CTC may deny admission to a prospective student or attendance of an enrolled student if, in their judgment, the student's presence or conduct creates a disruptive atmosphere within the college not consistent with the purposes of the institution.

Summary of Amended Bill:

An institution of higher education may not use an initial admission application that requests information about the applicant's criminal history.

After the applicant has otherwise been determined to be qualified for admission, an institution may inquire into or obtain information about an applicant's criminal history for the purpose of:

- accepting or denying admission or restricting access to campus residency; or
- offering supportive counseling or services.

An institution may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on the applicant's criminal history.

An institution may use a third-party admissions application that contains information about the criminal history of the applicant if the institution posts a notice on its website stating that the institution may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

Each institution must develop a process to determine whether there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial of admission or restricting access to campus residency.

The process must be in writing and must include consideration of:

- the age of the applicant at the time any aspect of the applicant's criminal history occurred;
- the time that elapsed since any aspect of the criminal history occurred;
- the nature of the criminal history, including whether the applicant was convicted of a serious violent offense or sex offense; and

- evidence of rehabilitation or good conduct produced by the applicant.

"Criminal record" or "criminal history" includes any record about a citation or arrest for criminal conduct. It also includes records relating to a probable cause to arrest and records of a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt. "Third-party admission application" means an admissions application not controlled by the institution.

The act may be known as the Washington Fair Chance to Education Act.

Amended Bill Compared to Original Bill:

The amended bill: (1) changes the term "criminal conviction history" to "criminal history" in one provision, to use consistent terms throughout the bill; and (2) references serious violent offenses and sex offenses in the type of criminal history the institution must consider.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When a person has paid their debt and served their time, they should be able to go to college for a fresh start. This bill would remove barriers to those who have already served their time. Having to disclose criminal history on an application discourages people from applying to college. Studies show that many convicted persons do not finish filling out applications because of the fear of disclosing such personal information. There is no evidence showing that asking about criminal history has any effect on campus safety. Questions about criminal history on applications create a barrier for minorities and other marginalized groups. Access to higher education is the anecdote to recidivism. The bill also requires institutions to develop a process to fairly determine whether a person with criminal history should be denied admission or access to campus residency.

(Opposed) None.

Persons Testifying: Senator Chase, prime sponsor; Noel Vest and Gina Castillo, Washington State University; Stephen Simmons, Western Washington University; and Christopher Poulus, Washington State Department of Commerce and Statewide Re-entry Council.

Persons Signed In To Testify But Not Testifying: None.