
HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Substitute for Original House Bill No. 122 by Representative Pierre as proposed by the House Committee on Education

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 17:3138(A)(1)(a) and (D) and to enact R.S. 17:3152, relative to public postsecondary education; to provide relative to the consideration of criminal history in the process of application and admission to public postsecondary education institutions; to prohibit inquiries relative to criminal history prior to an institution's decision relative to a student's admission; to provide relative to criminal history with respect to academic programs related to occupational licensing; to provide relative to certain common applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138(A)(1)(a) and (D) are hereby amended and reenacted and R.S. 17:3152 is hereby enacted to read as follows:

§3138. Louisiana common application; development; implementation

A.(1)(a) The Board of Regents, in collaboration with the public postsecondary education management boards, the chairman of the Senate Committee on Education or his designee, and the chairman of the House Committee on Education or his designee, shall provide for the development and implementation of a common application whereby Louisiana residents and nonresidents may apply to any public college and university in the state. Such application shall not include questions pertaining to an applicant's criminal history.

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D. Notwithstanding the provisions of Subsection B of this Section, if a student chooses to utilize the "Common Application" developed and administered by the not-for-profit membership organization, The Common Application, Inc., a public college or university may accept such application in lieu of the Louisiana common application required by this Section. If a public college or university

accepts such application, it shall not consider any criminal history information provided on the application at any point during the admissions process.

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§3152. Consideration of criminal history; prohibited acts

A. No public postsecondary education institution, referred to in this Section as an "institution", may inquire, including without limitation on an initial application form, about a prospective student's criminal history at any time during the application and admissions process prior to the institution's decision relative to the prospective student's acceptance for admission.

B. After a student has been accepted for admission, an institution may make inquiries relative to his criminal conviction history for the purpose of offering supportive counseling and services but shall not rescind based on such history an offer of admission.

C. An institution may but is not required to make inquiries into or to consider an admitted student's criminal conviction history. If an institution elects to do so for the purpose of making decisions about a student's participation in campus life and determining if the institution shall limit such participation, the institution shall consider all of the following:

(1) The nature and gravity of the criminal conduct and whether it bears a direct relationship to a particular aspect of a student's participation in campus life, including but not limited to campus residency and campus activities.

(2) The time that has passed since the occurrence of the criminal conduct.

(3) The age of the student at the time of the conduct underlying the criminal conviction.

(4) Any evidence of rehabilitation or good conduct produced by the student.

D. An institution shall not deny based on criminal conviction history admission to or continuation in an academic program designed to prepare a student for a career that requires occupational licensing. The institution shall offer counseling relative to the licensing requirement in order to assist a student in making an informed decision about pursuing such program.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2017 Regular Session

Abstract: Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history prior to his acceptance for admission and prohibits rescinding an offer of admission based on such history.

Proposed law prohibits a public postsecondary education institution from inquiring, including without limitation on an initial application form, about a prospective student's criminal history at any time during the application and admissions process prior to the institution's decision relative to the prospective student's acceptance for admission.

Proposed law provides that after a student has been accepted for admission, an institution may make inquiries relative to his criminal conviction history for the purpose of offering supportive counseling and services but shall not rescind an offer of admission based on such history.

Proposed law provides that an institution may but is not required to make inquiries into or to consider an admitted student's criminal conviction history. Provides that if an institution elects to do so for the purpose of making decisions about a student's participation in campus life and determining if the institution shall limit such participation, the institution shall consider all of the following:

- (1) The nature and gravity of the criminal conduct and whether it bears a direct relationship to a particular aspect of a student's participation in campus life, including but not limited to campus residency and campus activities.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The age of the student at the time of the conduct underlying the criminal conviction.
- (4) Any evidence of rehabilitation or good conduct produced by the student.

Proposed law provides that an institution shall not deny based on criminal conviction history admission to or continuation in an academic program designed to prepare a student for a career that requires occupational licensing. Requires that an institution offer counseling relative to the licensing requirement in order to assist a student in making an informed decision about pursuing such program.

Present law requires the Bd. of Regents to provide for the development and implementation of a common application that prospective students may use to apply to any public postsecondary education institution. Proposed law prohibits the inclusion on this application of questions pertaining to criminal history.

Present law authorizes public colleges and universities to accept the "Common Application" developed and administered by The Common Application, Inc. in lieu of the La. common application. Proposed law prohibits consideration of any criminal history information provided on such application at any point during the admissions process.

(Amends R.S. 17:3138(A)(1)(a) and (D); Adds R.S. 17:3152)