

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 688****2017 Regular Session****Pierre**

COLLEGES/ADMISSIONS: Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for history pertaining to specified offenses, prior to his acceptance for admission

Synopsis of Senate Amendments

1. Provide that an institution's authority to consider criminal history in the teacher certification process applies after a student's acceptance for admission. Require the offering of counseling relative to teacher certification requirements.
2. Authorize all public institutions to consider criminal history if provided on national applications meeting specified criteria.
3. Add cyberstalking to the list of crimes about which an institution may inquire prior to a student's acceptance for admission.

Digest of Bill as Finally Passed by Senate

Criminal History Inquiry prior to Admission Decision

Proposed law prohibits a public postsecondary education institution (an "institution") from inquiring about a prospective student's criminal history on an initial application or at any time during the admissions process prior to its decision relative to the prospective student's acceptance for admission, except for inquiries relative to convictions for stalking, cyberstalking, rape, and sexual battery. Provides that if an institution elects to deny admission based on any such conviction, it shall notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

Criminal History Inquiry after Admission Decision

Proposed law authorizes an institution, after a student has been accepted for admission, to inquire about his criminal conviction history (beyond stalking, cyberstalking, rape, and sexual battery) for the following purposes:

- (1) Offering supportive counseling and services.
- (2) Making decisions relative to a student's participation in campus life and determining if the institution shall limit such participation.

Proposed law authorizes an institution to make such inquiries when obtaining secondary information, such as immunizations, financial aid, or housing information. Requires an institution, if it elects to make such inquiries, to 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 student's age 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, after a student has been accepted for admission, that an institution offering a teacher preparation program may consider criminal conviction history if provided on the professional conduct form developed by the state Dept. of Education for use in the teacher certification process. Limits the purpose of such consideration to the offering of counseling as provided by proposed law (see below).

Programs Designed to Prepare Students for Certain Careers

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

Proposed law allows public postsecondary education institutions to consider criminal conviction history if such information is provided an application that is designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states.

Common Applications

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 institution in the state. Proposed law prohibits the inclusion on this application of questions pertaining to criminal history except as authorized by proposed law.

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 except as provided in proposed law.

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