
Higher Education Committee

SB 6582

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

Sponsors: Senators Chase, Saldaña and Hasegawa.

Brief Summary of Bill

- Prohibits the public institutions of higher education from using any initial admissions application that requests information about the 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.

Hearing Date: 2/21/18

Staff: Trudes Tango (786-7384).

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

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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 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 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.

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; 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 includes records relating to a probable cause to arrest and records about 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.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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