

Senate Bill 19-170: Ensuring Access to Higher Education A

Colleges/ Admissions: Prohibits questions regarding criminal history on an initial admission to a postsecondary education institution

For information about this bill or any questions please contact: HigherEd@or-nola.org

Key Research Findings

Barriers To “Reentry” And Educational Access:

- 71 million Americans have a criminal history (1 in 3 adults) (Friedman 2015)..
- Approximately 70% of college applications ask for information about prior convictions (Pierce et. al. 2013)
- 2 out of 3 people that start a college application and select yes to the question regarding criminal history do not finish the application. (Center for Community Alternatives 2015)

Benefits Of Higher Education For Public Safety:

- Educational programming reduces recidivism by 40% and provides opportunities for employment and positive support that decreases the likelihood of future crimes. (Davis et. al. 2014; Blomberg et. al. 2011; Vacca 2008)
- The recidivism rate drops dramatically with access to higher education: (Davis et. al. 2014)
 - Masters: less than 1%
 - Baccalaureates: 5.6%
 - Associates: 13.7%
- Reduced recidivism decreases the crime rate and improves public safety.

Legal Considerations:

- The U.S. Equal Employment and Opportunity Commission (EEOC) has stated that criminal record exclusions have a disparate impact based on race and therefore asking criminal history questions is a violations of Title VII of the Civil Rights Act of 1964. (U.S. Department of Education 2016)
- Removing criminal history from the admissions process does not impact institutional liability when crimes occur on campus (Pierce et. al. 2013) or prevent colleges from complying with reporting standards and obligations in accordance with the Clery Act (U.S. Department of Education 2016)

Campus Safety Considerations:

- There is no evidence suggesting that criminal history considerations are related to campus safety (Olszewska 2007).
- Campus crime rates most often found to be related to institutional characteristics such as the percent of students living on campus, and percent of students from out-of-state. (McPheters 1978; Sloan 1994; Volkwein et. al. 1995, Han 2013)

The Effectiveness Of Criminal History Questions In College Admissions:

- Neither criminal background checks nor pre-admission screening questions have been proven to accurately predict whether students are likely to commit a crime on college campuses (Runyan et. al. 2013; Custer 2013)

Employment Considerations:

- By 2020, 65 percent of all jobs in the economy will require postsecondary education and training beyond high school. (Carneville et. al. 2013)
- 60% of formerly incarcerated people are unemployed one year after release. (Couloute & Kopf 2018)
- The United States will fall short by 5 million workers with postsecondary education—at the current production rate—by 2020. (Carneville et. al. 2013)