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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 776 **Hearing Date:** January 15, 2020  
**Author:** Skinner  
**Version:** January 6, 2020  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** College admissions: criminal history inquiry: prohibition.

## SUMMARY

This bill prohibits a public or private postsecondary educational institution in this state from inquiring about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission.

## BACKGROUND

Existing law establishes the California Community Colleges (CCC), the California State University (CSU), the University of California (UC), independent institutions of higher education and private postsecondary educational institutions as the segments of postsecondary education in this state. (Education Code § 66010.95)

## ANALYSIS

This bill prohibits a public or private postsecondary educational institution in this state from inquiring about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Despite the significant research demonstrating that colleges and universities that admit students with prior justice system involvement face no greater safety threats than those that do not, there remain numerous barriers that limit students with arrest and conviction histories from reaching their educational goals and potential in California." The author further asserts that, "... Although California's public postsecondary institutions have a practice of not requesting conviction history information in undergraduate admissions, there is a very different practices and considerations of arrest and conviction history information in admissions among graduate-level programs of both public and private postsecondary institutions in California, as well as among undergraduate admissions to private post-secondary institutions in California. In practice, this means applicants must adjust their disclosure for every school and can easily make mistakes. Students who mis-report or under-report their arrest or conviction history on such applications face severe potential consequences such as being kicked out of school at any time, regardless of their rehabilitation, the time that has passed since their justice system involvement, or

the resources they have invested into their higher education.” Proponents of the measure also note that these practices have a disparate impact on low-income individuals and people of color.

This bill seeks to remove college admission barriers for individuals with criminal histories.

- 2) **Undergraduate admission criteria.** As noted in the author’s statement above, the public higher education institutions, (CCC, CSU, and UC) do not request criminal history information on their respective undergraduate applications for admission. The practice for private colleges is mixed. According to a 2016 report by the U.S. Department of Education, “Beyond the Box,” nearly 700 colleges and universities (nationwide) use the Common Application, an undergraduate college admission application which in 2006 began requiring students to indicate if they have been “adjudicated guilty or convicted of a misdemeanor, felony or other crime.” However, in 2019, the collection of criminal history information was removed from the application. Some colleges continue to request the information using a supplemental form. It does not appear that asking about criminal history on college admission applications is widespread but it does happen. This bill would prohibit that practice.
- 3) **Licensure and credentialing requirements not impacted.** Certain areas of study (e.g. teaching, social work or criminal justice) require additional criteria for licensure or credentialing qualifications in which some applicants may not meet the criteria. Applying for college and meeting licensure requirements are two separate processes. Licensure and credentialing requirements are set by agencies that are not controlled by or affiliated with a university and requirements can change. For example, credentialing requirements can include successfully passing a criminal background check. Students are responsible for determining whether they can meet licensure or credentialing requirements. However, in practice it’s not uncommon for graduate-level programs (public or private) to probe applicants for information about their criminal history in anticipation of licensure or credential. This measure seeks to prohibit colleges from prescreening applicants during the admission process, including those applying for admittance into programs that may require additional criteria to practice in the field of study.
- 4) **College access for formerly incarcerated and currently incarcerated individuals improving at public institutions.** In recent years, academic opportunities for justice-impacted individuals have improved. This is largely due to SB 1391 (Hancock, Chapter 695, Statutes of 2014) that allowed community colleges to teach face-to face in prison and collect state apportionment for those students. Public colleges have taken steps to expand college access and encourage degree attainment by offering courses to students in prison and by offering support services for formerly incarcerated students on campus California Community colleges now teach face-to-face transferable degree-building college courses in 34 of the state’s 35 prisons. Additionally, the number of on-campus support programs (i.e. Project Rebound and Underground Scholars) for formerly incarcerated students at CSU, UC and CCC have grown. This bill appears to align with those actions.

**SUPPORT**

Anti-Recidivism Coalition  
Californians for Safety and Justice  
Ella Baker Center for Human Rights  
Five Keys  
National Employment Law Project  
New Earth  
Time for Change Foundation  
Unlock Higher Education  
Western Center on Law and Poverty

**OPPOSITION**

None received

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