

RÉSUMÉ DIGEST

ACT 276 (HB 688)

2017 Regular Session

Pierre

Criminal History Inquiry prior to Admission Decision

New law prohibits a public postsecondary education 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. Requires an institution that denies admission based on any such conviction, to notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

Criminal History Inquiry after Admission Decision

New law authorizes an institution, after admitting a student, to inquire about his criminal conviction history (beyond stalking, cyberstalking, rape, and sexual battery) for the following purposes: (1) offering supportive counseling and services and (2) making decisions relative to a student's participation in campus life and determining if the institution shall limit such participation.

New law authorizes an institution to make such inquiries when obtaining secondary information. Requires an institution to consider all of the following: (1) the nature and gravity of the criminal conduct and whether it bears a direct relationship to participation in campus life, including but not limited to campus residency and campus activities; (2) the time that has passed since the criminal conduct; (3) the student's age at the time of the criminal conduct; and (4) any evidence of rehabilitation or good conduct produced by the student.

New law authorizes an institution offering a teacher preparation program to consider criminal conviction history of an admitted student if the history is 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 new law (see below).

Programs Designed to Prepare Students for Certain Careers

New 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. New law allows 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 institutions in multiple states.

Effective August 1, 2017.

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