

Admissions and Access for Incarcerated Individuals

Introduction

Students, institutions, states, and policy stakeholders working to promote postsecondary education opportunities for currently or formerly incarcerated students face numerous barriers. Obstacles including difficulties navigating the higher education system, application issues, and a lack of adequate student supports pose challenges for students. Although many of the challenges around postsecondary enrollment persist for currently or formerly incarcerated students, interest in enrollment among these groups has remained robust. Despite broader [declines in postsecondary enrollment](#), enrollment in prison-based education programs has [grown](#) in recent years.

For formerly incarcerated students, a criminal history can create challenges while applying for a postsecondary degree or credential program. Recent survey data found that [70%](#) of four-year colleges and universities require applicants to disclose a criminal record a part of the college application process. Requiring applicants to report criminal history varies by institution type: 81% of private colleges ask about criminal history during the application process compared to just 55% of public colleges and 40% of community colleges. Institutions [also vary](#) in which criminal offenses they inquire about. Some institutions ask for disclosure of only felony convictions, while others ask for information that includes misdemeanor convictions or other arrests. However, 90% of institutions that use criminal history consider all felonies negatively in the admission process, including nonviolent offenses such as drug or alcohol offenses.

In recent years, some institutions and systems have removed criminal history applications from their application process. In [2016](#), the State University of New York system voted to remove the question and the University of Illinois modified its application in [late 2019](#). In 2018, the Common App, which is used by more than 900 schools across the country, [announced](#) it would drop its question regarding applicant criminal history.

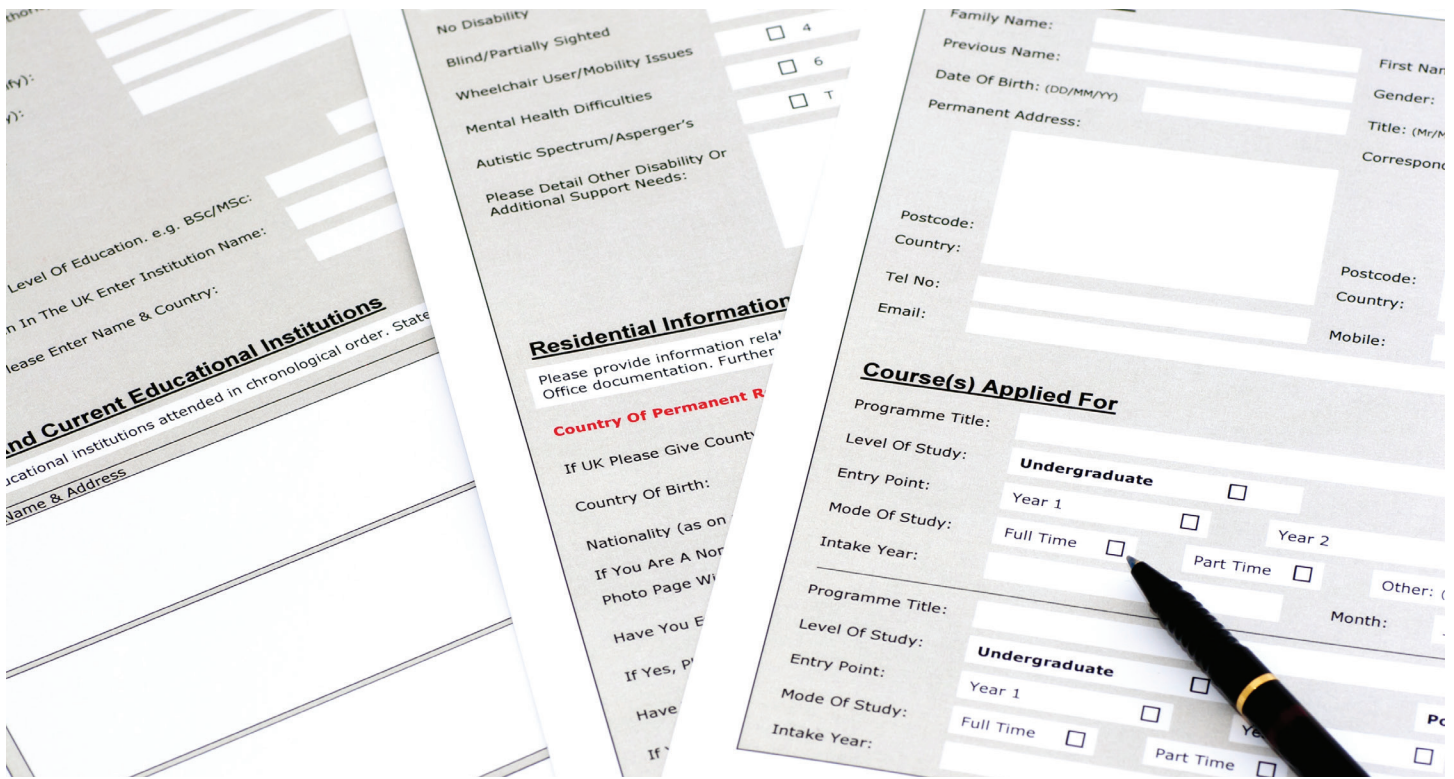


Criminal history questions on applications impact a significant number of students seeking postsecondary education each year. Data from the Brookings Institution finds that nearly 20% of men ages 28 to 33 with a high school diploma but no bachelor's degree, have some kind of criminal conviction. Research from the [Center for Community Alternatives](#) in the State University of New York system found a significant drop-off in completed applications when the application requires a disclosure of a felony conviction.

State Action

■ CRIMINAL HISTORY DISCLOSURE DURING COLLEGE APPLICATION

Since 2017, at least 16 states have considered legislation to modify or eliminate requirements for public postsecondary institutions to require inquiries related to initial admissions applications. Seven of these states including [California](#), [Colorado](#), [Louisiana](#), [Maryland](#), [Oregon](#), [Virginia](#) and [Washington](#) have enacted legislation that addresses the use of a criminal history question during the college admissions process. In some states such as [Delaware](#) and [Oklahoma](#), legislation to remove questions about an applicant's criminal history



is part of larger ‘Ban the Box’ policies that also include employment applications.

Louisiana was the [first state](#) to prohibit higher education institutions from inquiring about potential student’s criminal history during the college application process in 2017. The legislation, like bills in other states, contains exceptions for inquiries related to certain crimes such as sexual assault and stalking. Institutions are also still able to inquire about criminal history during applications for institutional financial aid and on-campus housing. Maryland passed [additional legislation](#) in 2021 that authorized higher education institutions to develop processes for determining on-campus residencies for students convicted of certain crimes including sex crimes. In most states, bans on inquiring about a criminal history only apply to public institutions. However, Oregon’s legislation, passed in 2021, includes provisions that apply to private institutions operating in the state as well.

■ STATE PROGRAMS TO BOOST ACCESS, IMPROVE DATA COLLECTION, AND PROMOTE WORKFORCE AND JOB TRAINING

Several states have also created or modified programs to support expanded access to postsecondary education for students involved in the correctional system.

State legislators have worked to collect, publish, and share data around education programs for incarcerated students or create working groups to examine how systems can promote education opportunities for students. In 2019, Tennessee passed [HB 1303](#) that

requires the Department of Correction to publish an annual report detailing higher education opportunities available to incarcerated individuals in the state. The report must include the number of eligible individuals and opportunities available at each correctional facility as well as developing a plan to promote degree or credential attainment for at least 10% of the eligible incarcerated individuals by 2025. In 2021, Connecticut passed [HB 6402](#) which establishes a task force to examine the creation of a Postsecondary Prison Education Program Office within the Department of Correction.

States have also passed legislation to promote and develop specific workforce and job training programs for incarcerated students. Florida [passed legislation](#) in 2019 to allow the state department of corrections to create a Prison Entrepreneurship Program. The program allows in-prison instruction in coordination with both higher education institutions and relevant workforce partners. Maryland [SB 800](#), passed in 2021, created an [Inmate Training and Job Pilot Program](#) at postsecondary education institutions for people in the 12 months preceding their release from incarceration. The program includes development of coursework, support services and an individualized plan for educational outcomes.

Additional Resources

- [NCSL Postsecondary Bill Tracking Database](#)
- [College After Prison: A Review of the Literature on Barriers and Supports to Postsecondary Education for Formerly Incarcerated College Students](#), City University of New York, 2021