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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4395

02/28/2024 Authored by Hanson, J., The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; prohibiting postsecondary institutions from considering
1.3 certain criminal records during the application process; providing that postsecondary
1.4 education participation satisfies employment requirements for persons on postprison
1.5 supervised release; suspending student loan payments for incarcerated borrowers;
1.6 modifying the commissioner of corrections' authority relating to prison education
1.7 partnerships in certain instances; repealing the prohibition on the commissioner
1.8 of corrections paying for college costs of certain inmates; proposing coding for
1.9 new law in Minnesota Statutes, chapters 135A; 136A; 241; 244; repealing
1.10 Minnesota Statutes 2022, sections 241.265; 609B.311.

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. [135A.062] CONSIDERATION OF CRIMINAL RECORDS LIMITED.

1.13 Subdivision 1. Applicability. This section applies to postsecondary institutions as defined
1.14 in section 135A.133, subdivision 1, paragraph (c).

1.15 Subd. 2. Consideration of criminal records limited. A postsecondary institution may
1.16 not inquire into, consider, or require disclosure of the criminal record or criminal history
1.17 of an applicant for admission. After a postsecondary institution has made a conditional offer
1.18 of acceptance, the postsecondary institution may inquire into, consider, or require disclosure
1.19 of a conviction for a violent felony or sexual assault. The postsecondary institution must
1.20 provide the applicant with an opportunity to submit an explanatory statement, letters of
1.21 recommendation, evidence of rehabilitation, and any other supporting documents. A
1.22 postsecondary institution that rescinds a conditional offer of admission must:

1.23 (1) provide an explanation of the basis for the decision to rescind the conditional offer;

1.24 and

1.25 (2) provide the applicant with an opportunity to appeal the decision to rescind.

2.1 Sec. 2. [135A.133] TRANSCRIPT ACCESS.

2.2 Subdivision 1. Definitions. (a) The terms defined in this subdivision apply to this section.

2.3 (b) "Debt" means any money, obligation, claim, or sum due or owed, or alleged to be  
2.4 due or owed, from a student that appears on the student account. Debt does not include the  
2.5 fee, if any, charged to all students for the actual costs of providing transcripts.

2.6 (c) "Postsecondary institution" means any public institution governed by the Board of  
2.7 Trustees of the Minnesota State Colleges and Universities, private postsecondary educational  
2.8 institution as defined under section 136A.62 or 136A.821, or public or private entity  
2.9 responsible for providing transcripts to current or former students of an educational  
2.10 institution. Institutions governed by the Board of Regents of the University of Minnesota  
2.11 are requested to comply with this section.

2.12 (d) "Transcript" means the statement of an individual's academic record, including an  
2.13 official transcript or the certified statement of an individual's academic record provided by  
2.14 a postsecondary institution and an unofficial transcript or the uncertified statement of an  
2.15 individual's academic record provided by a postsecondary institution.

2.16 Subd. 2. Prohibited practices. A postsecondary institution must not:

2.17 (1) refuse to provide a transcript to a person incarcerated at a Minnesota correctional  
2.18 facility;

2.19 (2) refuse to provide a transcript for a current or former student because the student owes  
2.20 a debt to the postsecondary institution if:

2.21 (i) the debt owed is less than \$250;

2.22 (ii) the student has entered into and, as determined by the postsecondary institution, is  
2.23 in compliance with a payment plan with the postsecondary institution;

2.24 (iii) the transcript request is made by a prospective employer for the student; or

2.25 (iv) the postsecondary institution has sent the debt for repayment to the Department of  
2.26 Revenue or to a collection agency, as defined in section 332.31, subdivision 3, external to  
2.27 the postsecondary institution; or

2.28 (3) charge an additional or a higher fee for obtaining a transcript or provide less favorable  
2.29 treatment of a transcript request because a student owes a debt to the originating  
2.30 postsecondary institution.

3.1 Subd. 3. **Institutional policy.** (a) Postsecondary institutions that use transcript issuance  
3.2 as a tool for debt collection must have a policy accessible to students that outlines how the  
3.3 postsecondary institution collects on debts owed to the institution.

3.4 (b) Postsecondary institutions shall seek to use transcript issuance as a tool for debt  
3.5 collection for the fewest number of cases possible.

3.6 **Sec. 3. [136A.786] INCARCERATED STUDENT AID BORROWERS.**

3.7 The commissioner of corrections shall relay to the commissioner of higher education  
3.8 the inmates who have self-identified as federal student aid borrowers. The commissioner  
3.9 of higher education shall assist inmates in enrolling in a federal income-driven repayment  
3.10 plan in which there are no monthly payments or accrual of interest for borrowers with  
3.11 earnings below the federal poverty guidelines.

3.12 **Sec. 4. [241.267] PRISON EDUCATION PARTNERSHIPS.**

3.13 The commissioner may not enter into an agreement or establish a prison education  
3.14 partnership with a higher education institution that:

3.15 (1) is organized as a private for-profit postsecondary institution as described in section  
3.16 136A.62, subdivision 3, clause (2), item (ii); or

3.17 (2) charges incarcerated students a higher per-credit rate than the rate for nonincarcerated  
3.18 students.

3.19 **Sec. 5. [244.60] SUPERVISED RELEASE EMPLOYMENT REQUIREMENT;**  
3.20 **POSTSECONDARY EDUCATION.**

3.21 If the commissioner of corrections imposes a requirement on a person placed on  
3.22 supervised release that the person work or be employed, the commissioner shall provide  
3.23 that enrollment and participation in postsecondary education satisfies this requirement.

3.24 **Sec. 6. REPEALER.**

3.25 Minnesota Statutes 2022, sections 241.265; and 609B.311, are repealed.

**241.265 HIGHER EDUCATION; CERTAIN PAYMENTS PROHIBITED.**

The commissioner may not pay for a college education program beyond the associate of arts degree level for an inmate convicted of first- or second-degree murder. The commissioner of corrections may only pay for an associate of arts college education program for an inmate convicted of first or second degree murder if the inmate's participation in the program does not increase the cost of the program to the institution.

**609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.**

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.