
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 866 Session of
2021

INTRODUCED BY ORTITAY, CEPHAS, KINSEY, SANCHEZ, ZABEL, BRIGGS,
HILL-EVANS, SCHLOSSBERG, A. DAVIS, T. DAVIS, ISAACSON,
NEILSON, LONGIETTI, LEE, SCHWEYER, HOHENSTEIN, FREEMAN,
GALLOWAY, KEEFER, ROZZI, CIRESI, HOWARD, McCLINTON, KINKEAD,
HARRIS AND O'MARA, MARCH 11, 2021

REFERRED TO COMMITTEE ON EDUCATION, MARCH 11, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for institution of higher
6 education application and process.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XX-A.1

13 INSTITUTION OF HIGHER EDUCATION APPLICATION AND PROCESS

14 Section 2001-A.1. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Institution." Includes any of the following:

1 (1) A community college operating under Article XIX-A.

2 (2) An institution within the State System of Higher
3 Education under Article XX-A.

4 (3) Any institution designated as State-related by the
5 Commonwealth, including:

6 (i) Lincoln University.

7 (ii) Temple University.

8 (iii) The Pennsylvania State University.

9 (iv) The University of Pittsburgh.

10 (v) Any associated branch campuses.

11 (4) The Thaddeus Stevens College of Technology.

12 (5) A rural regional college established under Article
13 XIX-G.

14 "Prospective student." An individual seeking enrollment at
15 an institution.

16 Section 2002-A.1. Institution application.

17 (a) Prohibitions.--Except as provided under subsection (b):

18 (1) an application developed and implemented by an
19 institution may not have any question related to or
20 information requested about the criminal history, including
21 juvenile history, of a prospective student; and

22 (2) an institution may not inquire about the criminal
23 history, including juvenile history, of a prospective student
24 at any time during the application process.

25 (b) Exceptions.--The following apply:

26 (1) The application and institution may inquire about
27 the criminal history of a prospective student regarding any
28 conviction for the following offenses:

29 (i) 18 Pa.C.S. § 2502 (relating to murder).

30 (ii) 18 Pa.C.S. § 2709.1 (relating to stalking).

1 (iii) 18 Pa.C.S. § 3121 (relating to rape).
2 (iv) 18 Pa.C.S. § 3122.1 (relating to statutory
3 sexual assault).

4 (v) 18 Pa.C.S. § 3124.1 (relating to sexual
5 assault).

6 (vi) 18 Pa.C.S. § 3125 (relating to aggravated
7 indecent assault).

8 (vii) 18 Pa.C.S. § 3126 (relating to indecent
9 assault).

10 (viii) Any similar offense under Federal law or the
11 law of another state.

12 (2) If an institution denies admission to a prospective
13 student based on a conviction of an offense under paragraph
14 (1), the institution shall notify the prospective student of
15 the denial and the prospective student may appeal the
16 decision to the institution.

17 (c) Admission.--Upon acceptance of a prospective student for
18 admission, an institution may inquire about the student's
19 criminal conviction history not limited to the offenses
20 enumerated under subsection (b)(1) for the following purposes:

21 (1) To offer voluntary counseling and support services,
22 including health, mental health and academic support
23 services.

24 (2) To obtain secondary information, including
25 information pertaining to housing. If an institution makes an
26 inquiry for the purposes under this paragraph, the
27 institution shall consider all of the following:

28 (i) The nature and gravity of the criminal conduct
29 and any direct relationship the criminal conduct has on a
30 student's participation in campus life, including campus

1 residency and campus-sponsored activities.

2 (ii) The time that has elapsed since the occurrence
3 of the criminal conduct.

4 (iii) The age of the student at the time of the
5 occurrence of the criminal conduct.

6 (iv) Any evidence of rehabilitation and good conduct
7 displayed by the student.

8 (3) If the institution offers a teacher preparation
9 degree program, to obtain information that may affect the
10 teacher certification process or information that may be
11 required on the professional conduct form developed by the
12 Department of Education so that the institution may provide
13 counseling to assist a student in making an informed decision
14 about pursuing the program.

15 (4) To inform a student of any criminal conviction
16 history that may be considered on an application designed by
17 a national application service for admission to a specific
18 degree program.

19 Section 2. This act shall take effect in 60 days.