



BEYOND THE BOX

A U.S. Department of Education Resource Guide for Increasing Access to Higher Education for Justice-Involved Individuals

Here's **what** we're doing . . .

As part of our commitment to expanding educational opportunity to reduce the collateral consequences of justice involvement, the U.S. Department of Education is providing a resource guide to support postsecondary institutions on the use of criminal justice information in the higher education admissions process as they seek to promote strong educational and life outcomes for justice-involved individuals. The guide:

- Presents information on how considering criminal justice information raises barriers for justice-involved individuals to access postsecondary education.
- Helps colleges and universities identify and assess how considering criminal justice information in the admissions process may exclude qualified students without creating a public safety benefit for the school.
- Provides options for modifying admissions practices to support institutions in addressing important concerns about student safety with holistic reviews of candidates.
- Offers tips on how to support the unique needs of justice-involved students enrolled in higher education institutions.

Here's **why** we're doing this . . .

- Colleges and universities that give justice-involved youth and adults opportunities to earn a postsecondary degree or training certificate can help reduce unnecessary and overly broad collateral consequences of justice involvement, and contribute to more positive outcomes for individuals, their families and their communities.
- An estimated **70 million Americans** have been involved in the criminal justice system through either an arrest or conviction. That's one out of three adults.
- A survey of postsecondary institutions found that **66 percent** of them collect criminal justice information for all prospective students.
- A study of those seeking higher education at the State University of New York revealed that nearly **two-thirds** of individuals with a felony criminal offense record stopped the application after being asked about criminal justice involvement.
- The research that does exist suggests that colleges and universities that admit students with a criminal justice history have no greater crime than those that do not.
- Disparities in the criminal justice system, ranging from arrests to sentencing decisions, disproportionately impact individuals of color, and, in turn, disproportionately require students of color to respond to questions about criminal history.
- This resource guide represents the latest effort by the U.S. Department of Education to help expand educational opportunity for all Americans, including justice-involved individuals. Last July, the Department announced the [Second Chance Pell Pilot Program](#), allowing incarcerated Americans to receive Pell Grants and pursue postsecondary education with the goal of helping them get jobs, support their families, and turn their lives around. In November, the Department also announced up to [\\$8 million in Adult Reentry Education Grants](#) to support educational attainment and reentry success for formerly incarcerated individuals.
- This resource guide complements information released by other federal agencies, such as the **U.S. Equal Employment Opportunity Commission**, the **U.S. Department of Housing and Urban Development**, and the **U.S. Department of Labor**, on the role of federal civil rights laws in addressing the disparate impact the consideration of criminal justice involvement might have on people of color.

Here's **who** we're doing it for . . .

- Public and private colleges and universities nationwide, who are ready to take action to ensure all Americans have the opportunity to succeed, including individuals who have had contact with the criminal justice system.
- Justice-involved individuals, including youth and adults, seeking a fair chance to obtain a higher education and participate in the American economy.
- Businesses and communities nationwide who are stepping up to support justice-involved individuals and their families as they seek to build a better life and secure future.

HOW COLLEGES AND UNIVERSITIES CAN HELP

Promising Practices for Mitigating Barriers to Higher Education

- If your college or university currently collects criminal justice information, consider whether this inquiry is necessary to make an informed decision or should be removed.
- If it is necessary, delay the question until after an admission decision has been made.
- If inquiring about criminal history, ensure the questions are narrowly focused.
 - *Avoid the use of ambiguous criminal justice terms such as "other crimes".*
 - *Clearly define what information need not be disclosed.*
 - *Avoid overly broad requests about criminal history.*
 - *Include a time limit on criminal background data.*
 - *Inquire about convictions, not arrests.*
 - *Tailor questions about CJJ to avoid unnecessarily precluding applicants from entering training programs, and thus employment, for which they might be eligible.*
- Give all prospective students the opportunity to explain criminal justice involvement and preparedness for postsecondary study.
- Provide admissions personnel and counselors training on the effective use of criminal justice information.

Strategies for Ensuring Postsecondary Persistence and Completion for Admitted Students

- Provide well-informed academic and career guidance.
- Inform students of available support services.
- Recruit peer mentors and college coaches to work with justice-involved students.
- Support student groups for justice-involved youths and adults.
- Provide justice-involved students access to meaningful work opportunities.
- Incorporate student feedback when determining support services for justice-involved students.
- Offer justice-involved individuals financial aid counseling.
- Establish partnerships with the community.

Opportunities to Learn from Student Experiences

- *"I thought to myself, 'why apply?' They are just going to reject me. I felt like the goal I set to show my son—it was worth trying—was unrealistic...so I stopped my application."* – Excerpt from L.M. Student Spotlight
- *"My life is really an amazing story about persistence, motivation, and overcoming adversity. Unfortunately, the process made me not only keep the story out of my personal statement, but also out of any conversation for fear of the consequence and stigma associated with having a criminal record."* – Excerpt from C.M. Student Spotlight