

GUIDELINES FOR APPLICATION FOR ADMISSION AND STUDENT INFORMATION FORMS

Provided by ODCTE Guidance Division

A number of technology centers have asked questions or encountered situations related to legally acceptable questions on admission applications and other forms. According to the Office of Civil Rights, the following guidelines should be followed during the admissions/enrollment process. The intent is to avoid even the *appearance* of discriminatory practices while still gathering necessary information from those who actually *enroll*.

- 1) Applications for admission should not include any items that would indicate age, gender, race or ethnicity, or any other categories that are prohibited by anti-discrimination laws. This includes asking for "maiden name", which automatically reveals gender. It *is* appropriate to ask, "Do you have educational records under any other name?" This question is gender neutral and helps determine whether there is training or educational history that would affect enrollment.
- 2) The demographic information necessary for state reports should be gathered on a student registration form or similar document *after* a student has been notified that he or she has been accepted for enrollment. This is when age, race, gender, etc. should be indicated.
- 3) It is important to identify needed accommodations for students with disabilities prior to pre-entry assessment, but this still must be done the right way. Do *not* ask, "Do you have a disability?" Ask, instead, "Will you need accommodations in order to successfully participate in the assessment process?" or something similarly phrased.
- 4) Likewise, instead of asking a student about to enroll whether he or she has a disability, include an item on the registration form that asks "Will you need accommodations or modifications in order to successfully perform the essential functions of the occupational program in which you enroll? If 'yes', please describe." This gives you the information needed for appropriate guidance in program choice.

A related concern is whether to ask for information that relates to felony convictions. This became an issue especially with the advent of community sentencing and the possibility of penal terms that include vocational training. The following process has been reviewed and approved by the Assistant Attorney General as a means of gathering information needed to place students appropriately without violating individual civil rights. The technology center should also feel free to consult its own attorneys concerning any specific situation.

- 1) Applications for admission should *not* ask whether the candidate has a criminal record or felony conviction.
- 2) Even after admission, a student should not be expected to disclose felony status simply because he or she has been admitted to school. By adhering to the following process, a school could safely determine *relevant* felony status without violating a student's right to privacy:
 - A) Determine the probable program of choice based on interest, aptitude, achievement, prior experience, etc.
 - B) If the occupations related to completion of this vocational program require licensure, certification, or bonding that is unavailable to those with certain felony convictions, that

should be stated as a general requirement for employment in that field. This might be done orally, but the preference would be to list on the enrollment form all programs affected by such a requirement.

- C) A candidate may then be asked whether there were any reason he or she would not be likely to acquire the necessary credentials to work in the occupation for which a preference was indicated.
 - D) If the individual then discloses a felony conviction, it should be discussed in terms of its effect on obtaining the credential and whether this obstacle can be overcome through appeal, waiver, or other appropriate avenues.
- 3) It is crucial to remember that different felonies may have either serious or negligible effect depending on the occupational program of choice, and the technology center's legally allowable concern is related to program choice and ultimate employability in that particular field. For example, a conviction of grand theft of a motor vehicle may have greater impact on the ability of an auto technician to become bonded than would a conviction of aggravated assault.
- 4) It is *not allowable* to ask if an individual is a sex offender or has committed a crime of violence, either in discussion or in writing. Under Oklahoma's Sex Offenders Registration Act, qualifying individuals must register with both the Department of Corrections and local law enforcement authorities within three days of release from incarceration or upon receiving a suspended sentence. This information then becomes public record, and those files may be inspected and/or copied at the Department of Corrections in Oklahoma City anytime during normal business hours. The department will respond to inquiries about specific offenders and will release information from the offender's registration file, including copies. One of the most current resources is the website for Channel 9 in Oklahoma City (www.kwtv.com), which has a searchable database under the title "The Offenders".

Upon registration of any person determined to be a *habitual* sex offender (a designation above regular registration and applied for the lifetime of the individual), the local law enforcement agency will notify anyone the agency determines appropriate, which may include schools of any type. In order to assure that such information would be provided the technology center, it is suggested that an appropriate school official discuss such an arrangement with local law enforcement agencies.

- 5) Additional pertinent details are covered in the law, which is accessible by Internet or from the State Department of Corrections. It is crucial, however, that one point in particular be noted by technology center districts offering health care programs that involve clinical experience at sites that treat children. The same applies to campuses that have Child Care programs or that offer federal student financial aid in the form of work study on campus:
- "It is unlawful for a registered sex offender to work with or provide services to children or to work on school premises, or for any person or business who offers or provides services to children or contracts for work to be performed on school premises. Violations may be punished as a misdemeanor with a fine not to exceed \$1000."
 - Finally, new regulations may be adopted during any legislative session or State Board of Nursing meeting. It is essential that health program coordinators at technology centers remain current as to recently passed or amended legislation or regulations.