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# Ensuring Equity, Access, and Quality in Postsecondary Education in Prison

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Note: The following slides were NOT presented during the session at the SHEEO conference. The format of the session was a conversational panel. However, much of the content within them WAS shared. Vera presenters thought these slides would be helpful for future reference.

# Who is Vera?

# Vera Institute of Justice

**Who we are**

Vera is a national organization that partners with impacted communities and government leaders to transform the criminal legal and immigration system so that money doesn't determine freedom; fewer people are incarcerated; and everyone behind bars is treated with dignity.
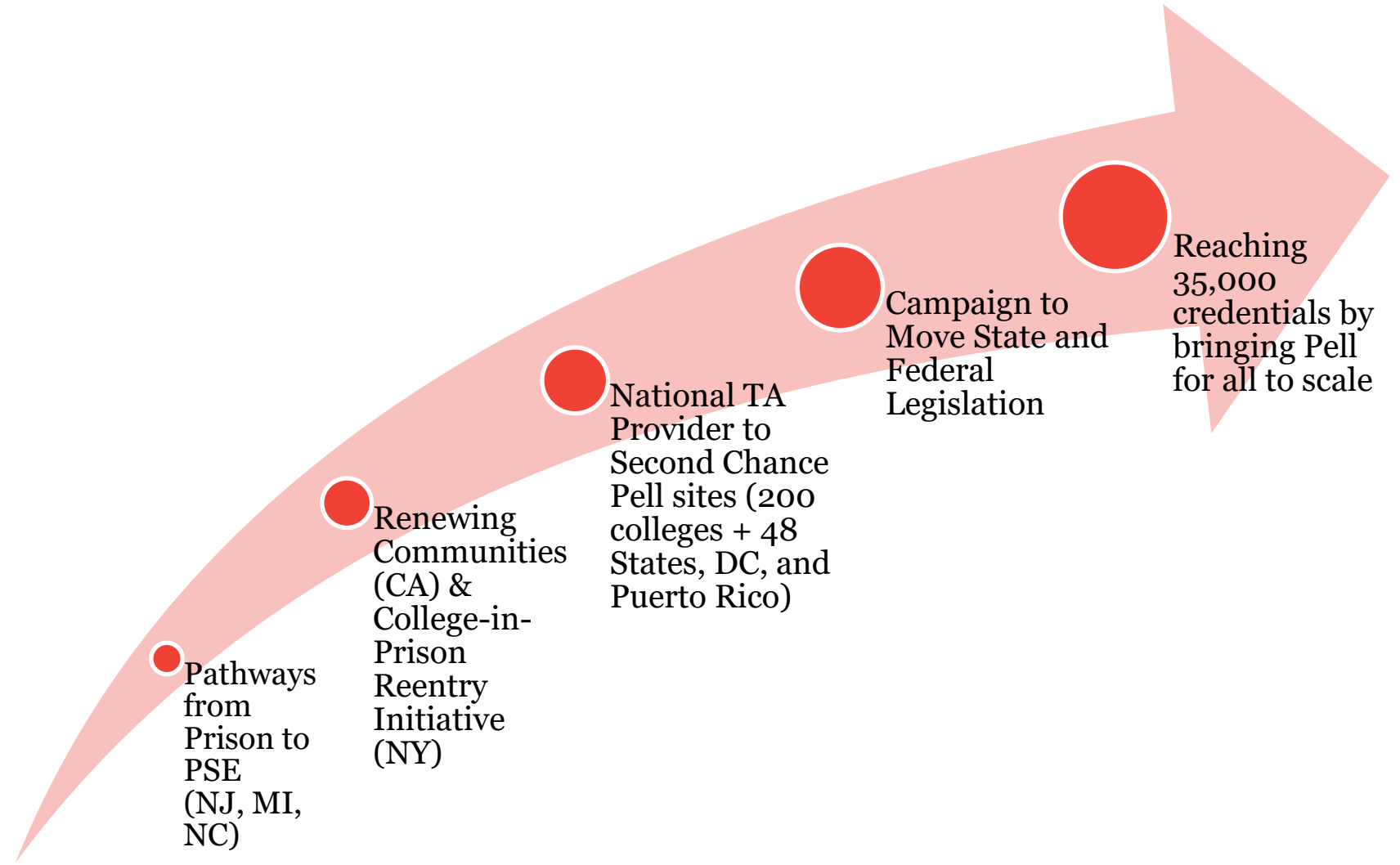
**Mission**

To end the overcriminalization and mass incarceration of people of color, immigrants, and people experiencing poverty.

**How We Work**

- **We study problems** that impede human dignity and justice.

- **We pilot solutions** that are at once transformative and achievable.

- **We engage diverse communities** in informed debate.

- **We harness the power of evidence** to drive effective policy and practice.
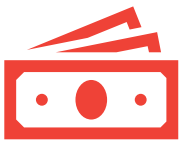
# Background on Vera: 2012 to present

Pathways from Prison to PSE (NJ, MI, NC)

Renewing Communities (CA) & College-in-Prison Reentry Initiative (NY)

National TA Provider to Second Chance Pell sites (200 colleges + 48 States, DC, and Puerto Rico)

Campaign to Move State and Federal Legislation

Reaching 35,000 credentials by bringing Pell for all to scale

# Why focus on postsecondary education in prison?

# Benefits of Postsecondary Education in Prison

**Reduced recidivism-** Incarcerated people who participate in postsecondary education programs in prison are <u>48 percent less likely to recidivate</u> than those who do not.

**Taxpayer savings-** Postsecondary education leads to less recidivism. This means that every dollar invested in prison-based education yields four to five dollars in taxpayer savings from reduced incarceration costs

**Preparing for post-release jobs and successful reentry-** Seventy percent of all jobs in 2027 will require postsecondary education and training beyond high school. People who participate in postsecondary education in prison see employment rates and wages increase.

# Benefits of Postsecondary Education in Prison

**Facility safety-** Prisons with postsecondary education programs have fewer violent incidents than prisons without them, creating safer working conditions for staff and safer living environments for incarcerated people.

**Racial equity-** College is a primary avenue for upward mobility—especially among people of color, who disproportionately make up the prison population. Given this, postsecondary programs during or after prison provide people with knowledge, skills, and connections they can share with their children and families, multiplying the impact of a single college degree.
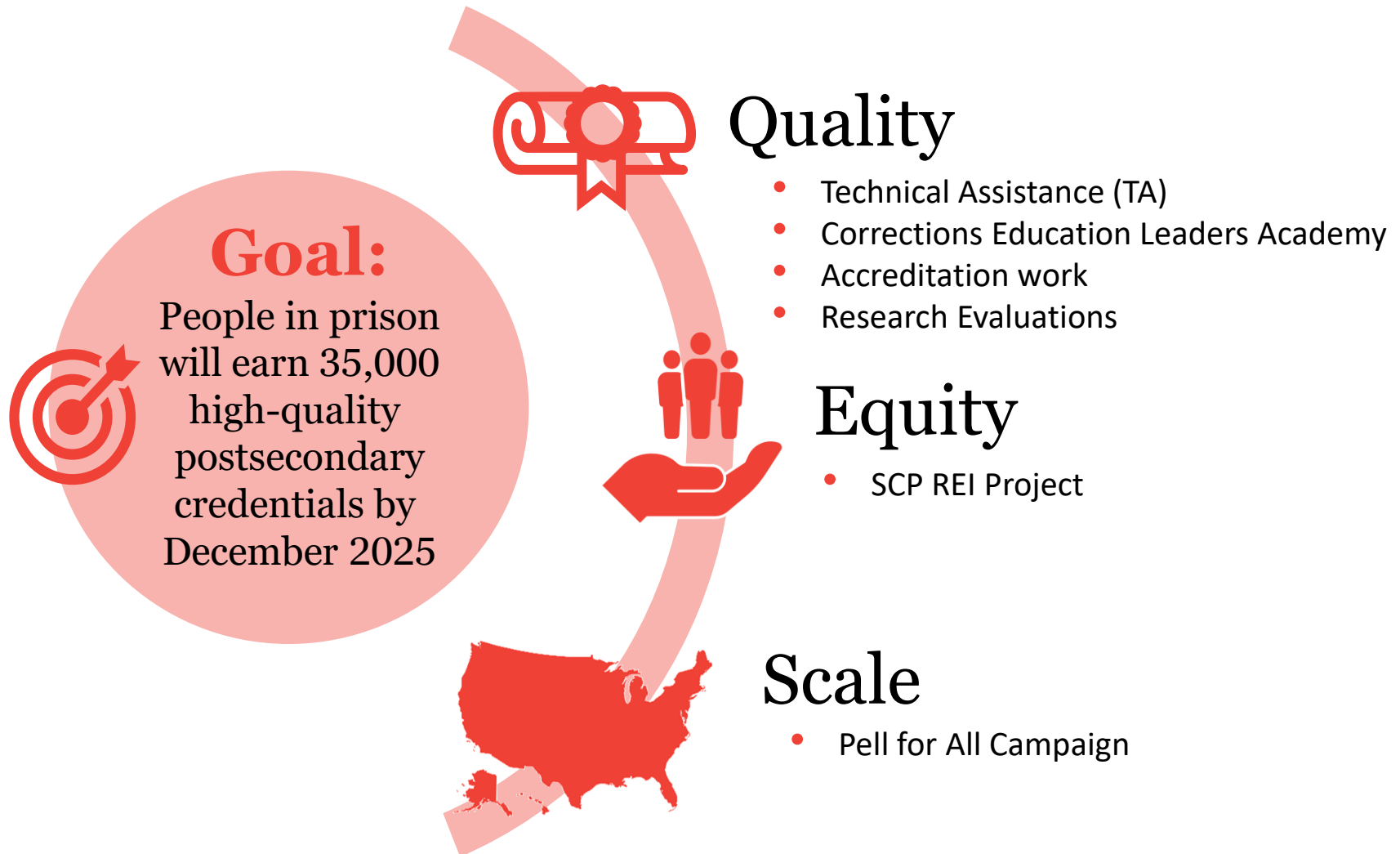
# Vera's Strategies for Change

# Unlocking Potential Priorities

- **Quality**: Programs in prison are high quality and adhere to community-based standards

- **Equity**: College programs fight systemic inequities in prison

- **Scale**: Pell eligibility for all people in prison and enough programs to match interest
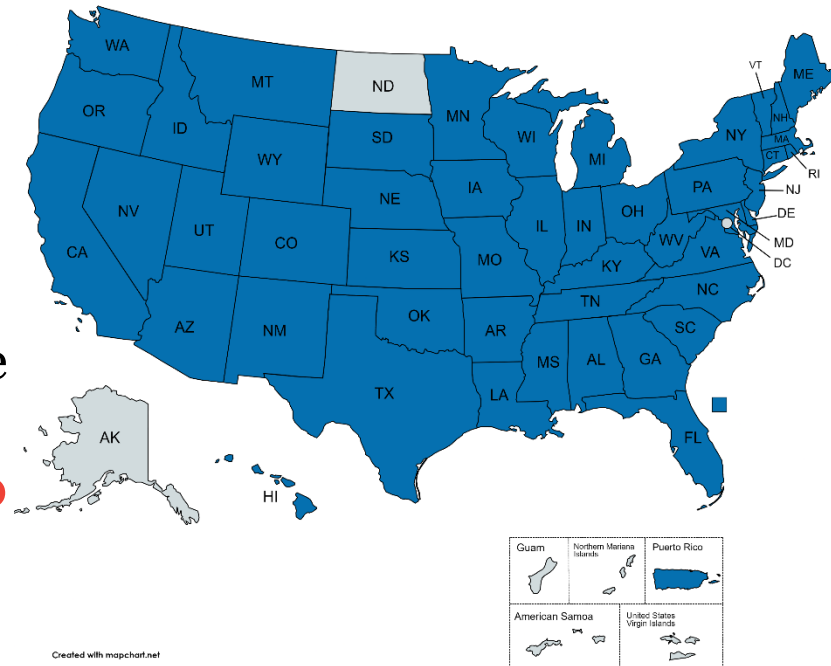
# Unlocking Potential Overview

**Goal:**
People in prison will earn 35,000 high-quality postsecondary credentials by December 2025

## Quality

- Technical Assistance (TA)
- Corrections Education Leaders Academy
- Accreditation work
- Research Evaluations

## Equity

- SCP REI Project

## Scale

- Pell for All Campaign

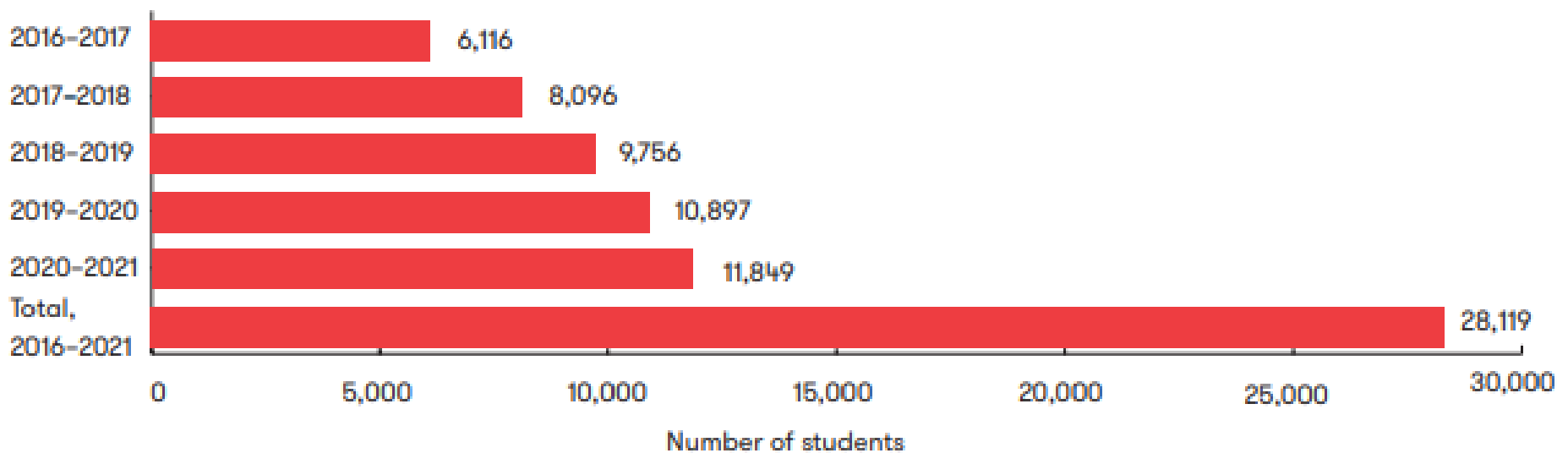# Second Chance Pell Experimental Sites Initiative

# Second Chance Pell (SCP)

- In 2015, the U.S. Department of Education announced the **Second Chance Pell Experimental Sites Initiative (SCP)** to test allowing incarcerated people to receive Pell Grants—a need-based federal grant—to pursue postsecondary education and training.

- Experimental Sites Initiatives are federal waiver programs that allow colleges to waive certain federal rules.

- Today, SCP allows students who are incarcerated to use federal Pell Grants to take classes at one of **200 colleges from 48 states, DC, and Puerto Rico.**
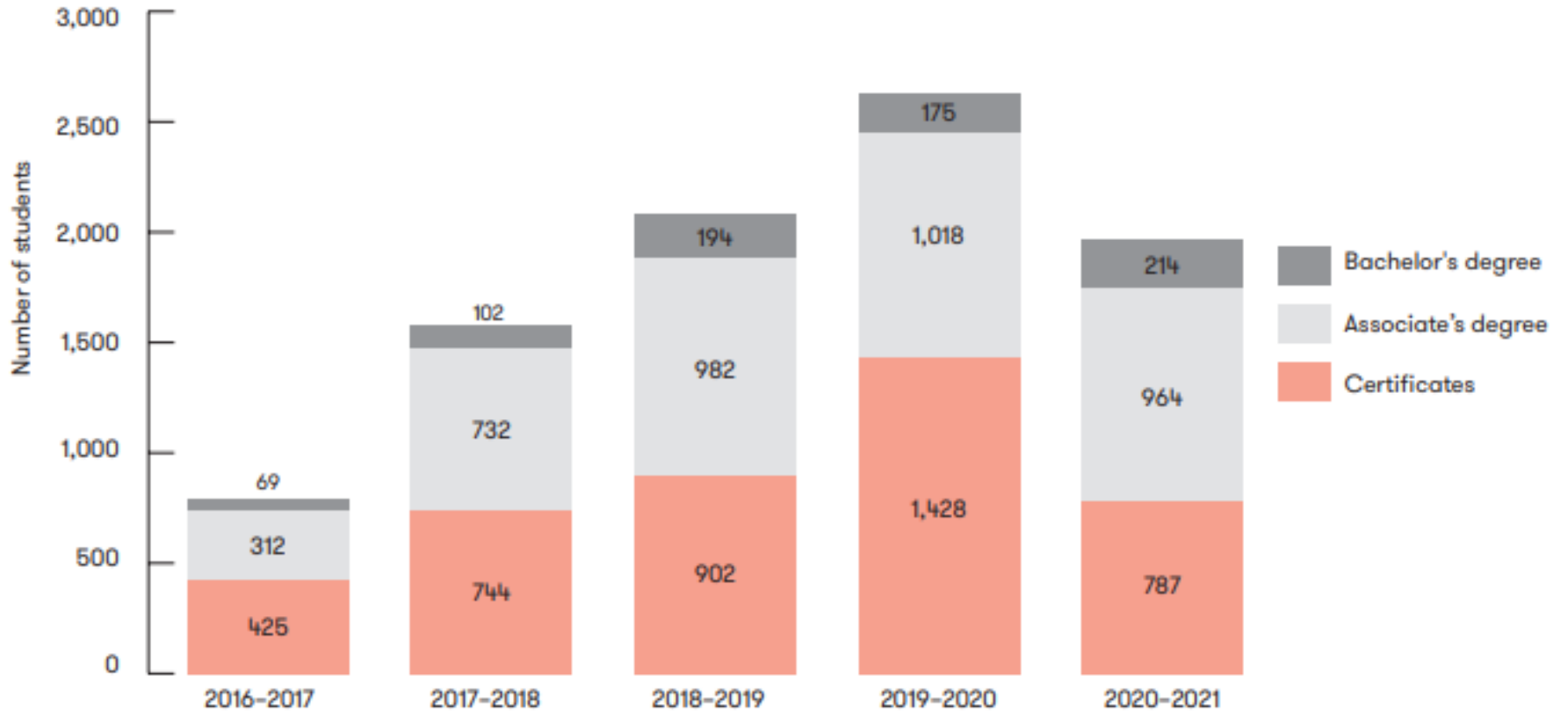
# Vera and SCP

- **Vera is currently the national technical assistance (TA) provider for SCP** and provides expertise to all the SCP colleges and their corrections partners.

- TA includes:

    – providing subject matter expertise

    – implementation support

    – creating learning opportunities for sites

    – sharing best practices

    – troubleshooting challenges

    – conducting site visits to learn from program administrators and students

**Figure 1. Unduplicated students enrolled in Second Chance Pell\***

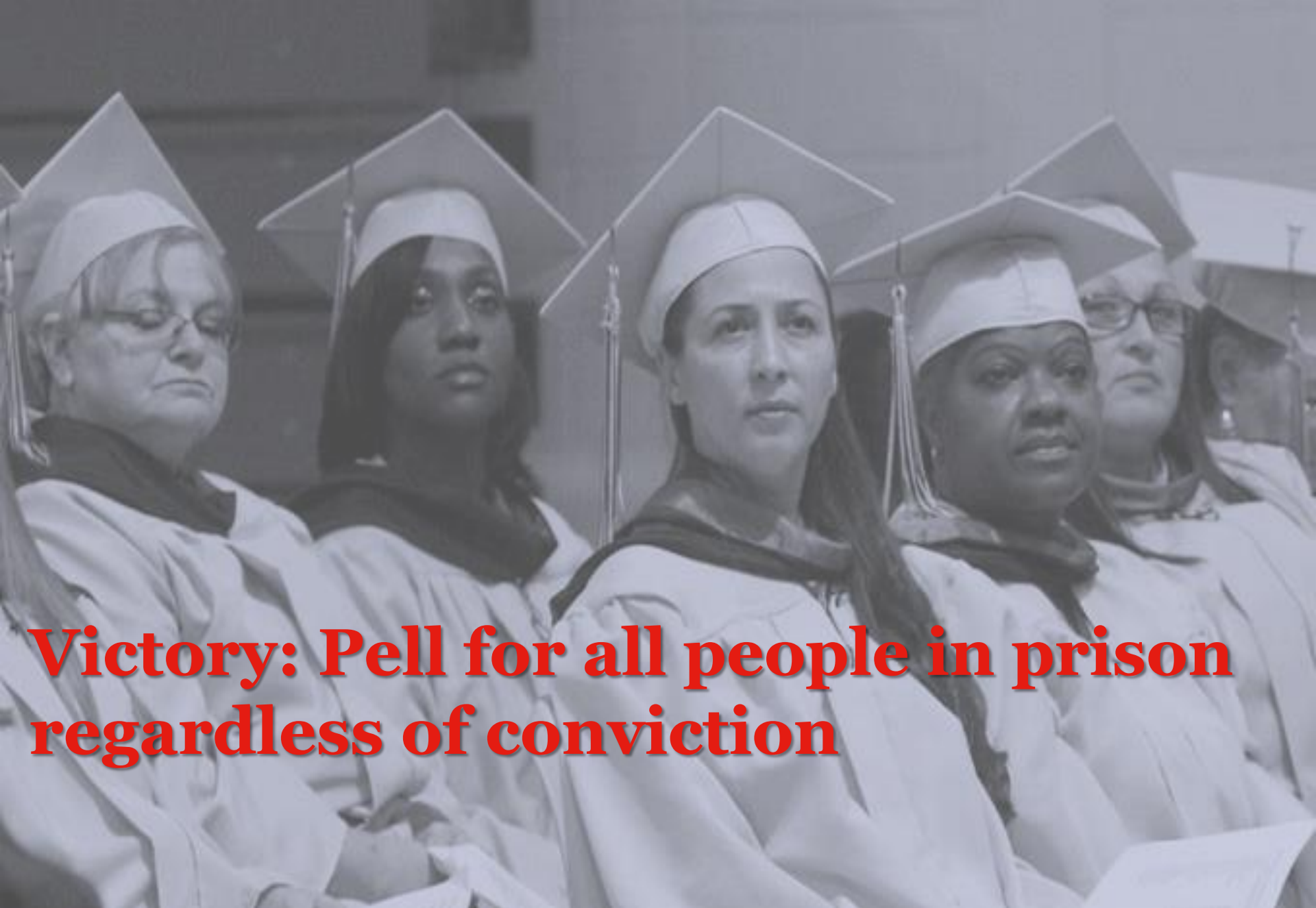| Year | Number of students |
|------|--------------------:|
| 2016–2017 | 6,116 |
| 2017–2018 | 8,096 |
| 2018–2019 | 9,756 |
| 2019–2020 | 10,897 |
| 2020–2021 | 11,849 |
| Total, 2016–2021 | 28,119 |

Number of students

\* Unduplicated students refers to the number of unique participants enrolled through Second Chance Pell over the five financial aid years reported here. (Some students participating in longer programs enrolled in multiple years.)

# Figure 2. Credentials earned by year and by type

# Looking Towards the Future: Pell Reinstatement in 2023

# Victory: Pell for all people in prison regardless of conviction

# Barriers Eliminated

- Eliminates the requirement to register with the Selective Service System as a condition of receiving Federal student aid

- Eliminates the suspension of eligibility for drug-related convictions

- Increases the maximum Pell Grant for the 2021–2022 award year by $150 for a new maximum Pell Grant of $6,495  (award now $6,895)

> These changes are effective as of July 1, 2021, for all students

- "Fresh Start" will apply to incarcerated students (August 2022)*

- Broadens definition of "unusual circumstances" to include people who are incarcerated or have incarcerated parents for purposes of determining dependency (2023-24 year)

- The law is "sentence-blind" (2023-24 year)

- Form itself will be substantially shorter (2024-25 year)

# Negotiated Rulemaking – Overview

## Background

- Reinstatement includes the introduction of quality measures for PSE in prison programs and changes to the Free Application for Federal Student Aid (FAFSA)
- Regulatory language was drafted/updated to reflect the new statutory changes

## Negotiated Rulemaking for Pell Reinstatement

- From October to December of 2021 ED convened stakeholders for a negotiated rulemaking process – included impacted people, corrections, and colleges.
- ED released the draft consensus language for public comment in July 2022
- Provides detailed guidance on how colleges and departments of correction will implement PSE in prison programs November of 2022

# Key Takeaways

Until the public comment period closes and official language is released November 1, 2022, we will not know exactly what from the Neg. Reg. process will be incorporated into the regulations.
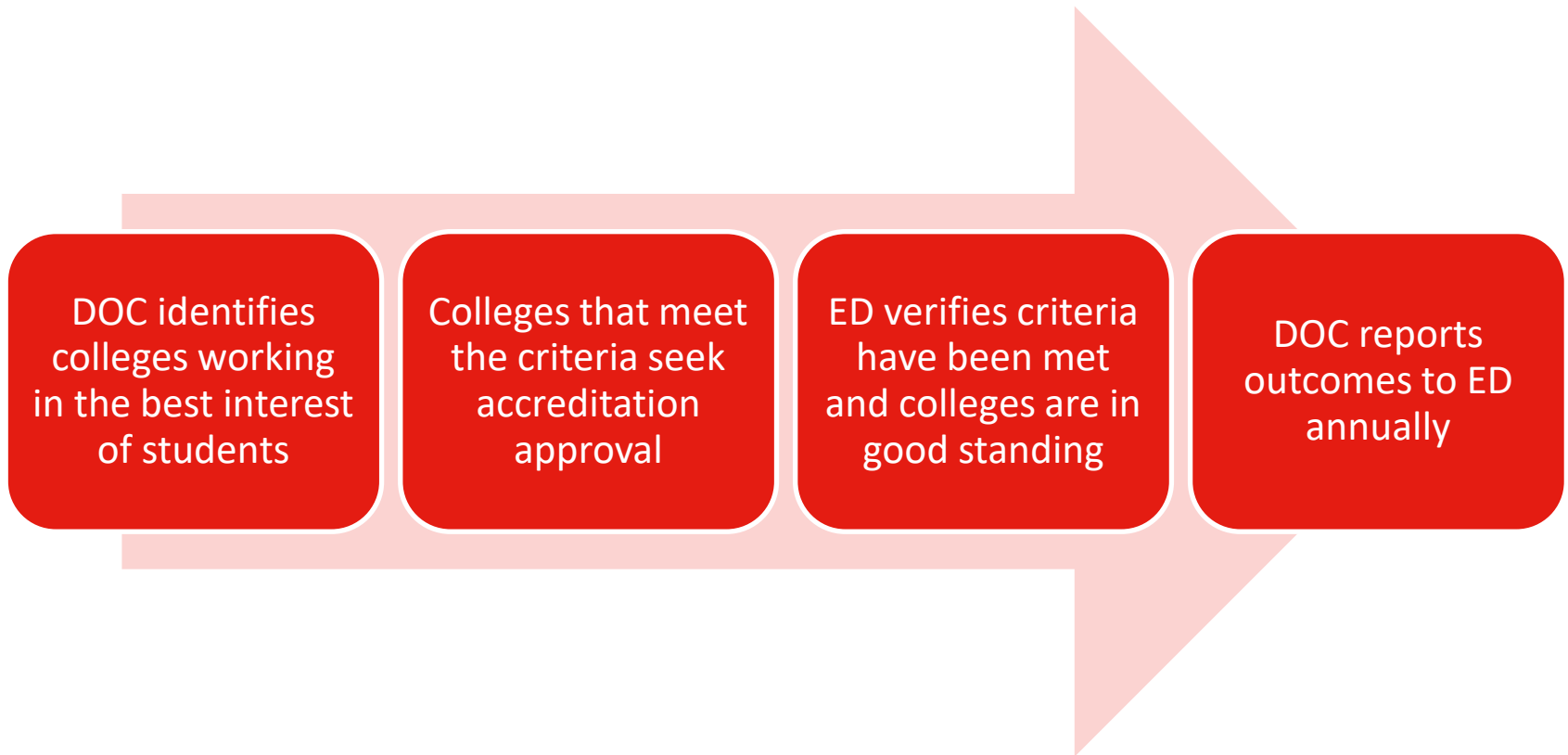
There were **several key areas** that gained full consensus during Neg. Reg. that will likely become a part of the regulations:

1. Selection of Eligible Educational Institutions

2. Waivers

3. Accreditation Requirements

# Selection of Eligible Institutions

| DOC identifies colleges working in the best interest of students | Colleges that meet the criteria seek accreditation approval | ED verifies criteria have been met and colleges are in good standing | DOC reports outcomes to ED annually |

# Selection of Eligible Institutions

- PSE programs required to be evaluated in terms of whether they are operating in the **best interests of students**

- PSE programs cannot offer education designed to lead to licensure or employment for a specific job in the state if that state's laws prohibit licensure or employment of formerly incarcerated people

- The institution offering the program must not have been subject to:

  (i) suspension, emergency action, or termination of programs by the U.S. Department of Education;

  (ii) adverse action by the institution's accrediting agency or association; or

  (iii) any action by the state to revoke a license or other authority to operate during the five years preceding the date of the determination.

# Best Interest of Students
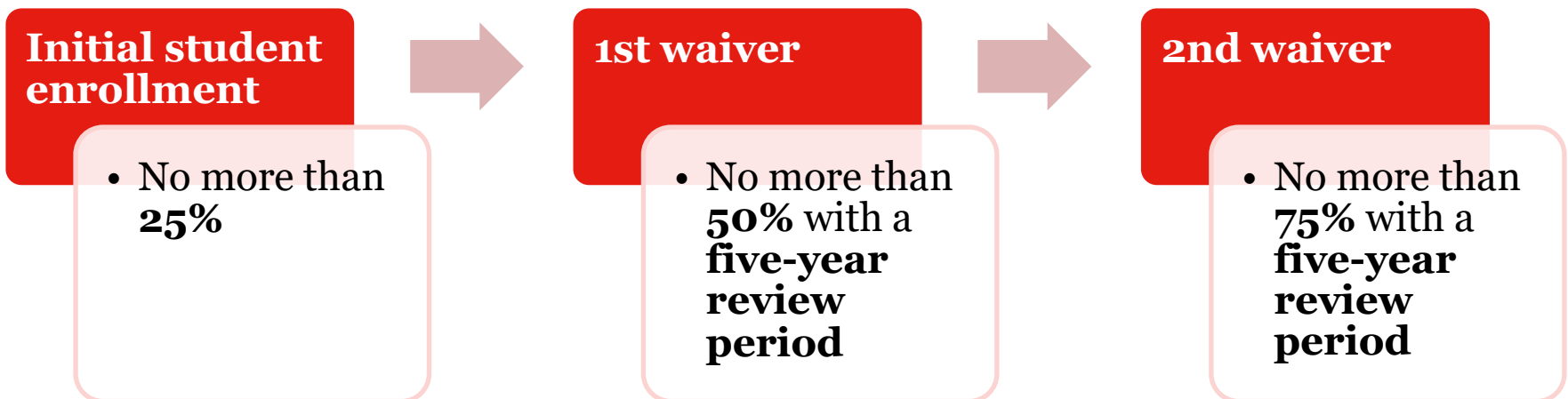
**Best interest criteria must include:**

- transferability of credits
- job placement rates
- whether earnings of program completers is expected to exceed those of high school graduates
- experience and turnover of faculty teaching in prison
- availability of academic and career advising while incarcerated and in advance of reentry
- ability for students to continue their education post-release
- whether educational programming and support services are comparable to those offered on college campuses

Recidivism and completion rates or other indicators pertinent to program success **may** be considered.

# Waivers

During the experiment, all educational institutions are **capped at a 25% threshold** (incarcerated student population divided by the total degree/certificate seeking student population) **unless an institution applied for a waiver**. The waiver process was mostly automatic and allowed approved schools to expand in prisons.

**New rules will include a stepped waiver timeline**

| Initial student enrollment | 1st waiver | 2nd waiver |
|---|---|---|
| • No more than **25%** | • No more than **50%** with a **five-year review period** | • No more than **75%** with a **five-year review period** |

# Accreditation

**Institutional accreditors will have a more involved role than in the past. This will likely include**

- An evaluation by accreditors of at least the first prison education program offered at the first two locations regardless of the prison's proximity to the college campus or method of delivery
- Site visits by accreditors will occur as soon as practicable but no later than one year after initiating the prison education program at the first two additional locations
- Unsure of timeline for programs recently re-accredited

# Important Dates

**August 26 2022**

- NPRM public comment period closes

**Oct. 1 2022**

- 2023-2024 FAFSA can be completed

**November 1, 2022**

- ED will publish their final regulations

**July 1, 2023**

- Pell reinstatement begins

# NPRM Webinars

The US Department of Education has posted a press release regarding the notice of proposed rulemaking (NPRM) for increasing college access to individuals who are incarcerated via the federal Pell Grant program. The press release also includes instructions for how the public can submit public comments on or before the August 26, 2022 deadline.

Vera will be co-hosting two identical webinars with the Formerly Incarcerated College Graduates Network (FICGN) for the higher education in prison community about key takeaways from the 75-page document and information about the public comment process.

Please register for one webinar only:

**Thursday, August 11, 12:00 - 1:15 pm ET**
https://verainstitute.zoom.us/meeting/register/tJMsceqtpj8jH9MuA24BwTUTgRshPjyZr5gp

**Friday, August 12, 12:00 - 1:15 pm ET**
https://verainstitute.zoom.us/meeting/register/tJwtdumupzwjG9yggRvx2iSF7wOWWFtnlD9I

# Takeaways

# SHEEO's Role

- Assist corrections to create advisory groups with all stakeholders, including accreditation agencies, state higher education offices, workforce boards, incarcerated students, and organizations representing incarcerated individuals to help select college partners operating in the "best interest" of the students

- Coordinate colleges through a consortium to help them provide relevant offerings that meet the needs of incarcerated population and align with job market needs

- Support coordinated enrollment, FAFSA completion, student services, credit/degree articulation, and reentry services

- Support coordinated data collection, analysis, and use to create quality and equity metrics for continuous improvement

# Resources

From Vera
- Unlocking Potential Webpage- https://www.vera.org/projects/college-in-prison
- *First Class: Starting a Postsecondary Education Program in Prison -* Download the report here: https://www.vera.org/publications/first-class-post-secondary-education-in-prison
- *Piece of the Puzzle: State Financial Aid for Incarcerated Students –* Download the report and updated technical appendix with state-specific FA information here: https://www.vera.org/publications/a-piece-of-the-puzzle-state-financial-aid-for-incarcerated-students
- *Lessons from Second Chance Pell: A Toolkit for Helping Incarcerated Students Complete the FAFSA*: https://www.vera.org/publications/lessons-from-second-chance-pell
- RFP Memo- https://tinyurl.com/2p8sbtaz

From ED
- SCP FAQ: https://experimentalsites.ed.gov/exp/pdf/SecondChancePellFAQ.pdf
- ED Webinar Q & A's: https://experimentalsites.ed.gov/exp/training.html

# Contact Information

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Thank you