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# **Pell Implementation for Incarcerated Students: An Evaluation of Regulations and Recommendations for Metrics to Inform Higher Education in Prison Programs**

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## **Executive Summary**

College & Community Fellowship (“CCF”) enables women with criminal justice involvement to earn their college degrees so they, their families, and their communities can thrive. In 2000, CCF became the first community-based organization to support the success of women reentering the community on release from prison by using the attainment of a college degree as the primary goal and motivation.

We are highly supportive of the recent reinstatement of Pell Grants for incarcerated students. Pell reinstatement provides a promising framework for increasing access to higher education for the nearly 2.3 million people incarcerated in our nation’s correctional facilities.<sup>1</sup> By expanding education for the substantial number of those behind bars in the United States, incarcerated students are provided with the capacity to build their skillsets necessary to successfully navigate reentry.

We believe that it is pivotal for the financial aid community to stay well-equipped and committed to its role in counseling and assisting students throughout the financial aid application process.<sup>2</sup> Financial aid administrators working with incarcerated students must be equipped with the knowledge and skills needed to support and empower incarcerated students upon working with them after the gap in working with this population as a result of the 1994 ban. We emphasize the critical role of the National Association of Student Financial Aid Administrators as a pivotal organization to provide training, professional development, and assistance necessary to assist incarcerated students in the specific challenges they might face throughout the financial aid application process.



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## **Purpose**

The provision of Pell Grants for incarcerated students as of July 1, 2023, provides evidence that there is federal-level support for the success of these programs. Additionally, Pell legislation supports the need to adopt evidence-based policies and practices that promote successful reentry by providing incarcerated students with access to education, which in-turn increases community safety. In light of the evidence surrounding best practices in the criminal legal system, we recommend four metrics to inform the continued success of higher education in prison programs.

## **Best Practices**

- 1. Reentry Partnerships Between Higher Education in Prison Programs and Reentry Organizations Should be Mandatory**
- 2. Institutions of Higher Education Should Not be Permitted to Operate Higher Education in Prison Programs if they Discriminate Against Formerly Incarcerated Students**
- 3. Programs Should be Required to Provide Students with the Financial Education and Technological Skills Necessary to Succeed in the Modern Workforce**
- 4. Higher Education in Prison Programs Should Address the Unique Barriers Women Face by Providing Trauma-Informed Training for Those Volunteering and Working for Programs Offered in Women's Facilities**



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## **About Us: College & Community Fellowship**

College & Community Fellowship (“CCF”) enables women with criminal justice involvement to earn their college degrees so they, their families, and their communities can thrive. In 2000, CCF became the first community-based organization to support the success of women reentering the community on release from prison by using the attainment of a college degree as the primary goal and motivation.

CCF is committed to removing barriers faced by incarcerated and formerly incarcerated individuals in obtaining a high-quality postsecondary education. Organizational success in this area includes:

- Supported Second Chance Pell Experimental Sites in 2015 and helped lead the campaign for full Pell restoration for incarcerated people to obtain college degrees. Pell was reinstated in 2020. Millions will now have access to higher education inside prison.
- Spearheaded the #TAPonTheTAP Campaign, resulting in a repeal of New York’s equivalent to Pell-the Tuition Assistance Program (TAP)- for incarcerated people in 2022. The bill was a centerpiece of the Governor’s State of the State.
- In 2021, CCF partnered with Bard Prison Initiative (BPI) and JustLeadershipUSA to launch the Bard Microcollege for Just Community Leadership – the nation’s first tuition-free college dedicated to advocacy, arts, and sciences.
- Led a successful collaborative campaign to move criminal history screening questions off applications to the State University of New York.
- Collaborated to produce a study on multi-generational impact: Home-Grown Social Capital: How Higher Education for Formerly Incarcerated



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Women Facilitates Family and Community Transformation. Washington, DC: The Aspen Institute and the Center for Institutional and Social Change, 2015.

- Was a founding member and coordinator of the Education from the Inside Out (EIO) Coalition, a national, nonpartisan collaborative of advocates and community members working to remove barriers to higher education for currently and formerly incarcerated individuals.

CCF was one of the first organizations in the U.S. to focus on higher education as its core reentry strategy, and it is because of CCF's work that higher education is now considered one of the most cost-effective means to improve one's quality of life in reentry.

As an organization, we believe that language matters in the context of the criminal justice system. Throughout this report, we use person-first language adopted from the larger field. The definitions for the common language throughout this document are outlined below:

**Higher Education in Prison:** courses provided to students who have earned a high school diploma, GED/HiSet, or equivalent secondary credential; courses and programs provided by or in close partnership with a postsecondary accredited institution; instruction provided by two-year and four-year colleges and universities with public, private, or nonprofit status; credit or not for credit coursework; degree, certificate/certification or non-degree granting pathways; and courses for college preparation.<sup>3</sup>

**Evidence-Based Practice:** the objective, balanced, and responsible use of current research and the best available data to guide policy and practice decisions, such that outcomes for consumers are improved. Used originally in the health care and social science fields, evidence-based practice focuses on approaches demonstrated to be effective through empirical research rather than through anecdote or professional experience alone.<sup>4</sup>



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**Incarcerated Student:** a student who is serving a criminal sentence in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, youth correctional facility, or other similar correctional institution.<sup>5</sup>

**Justice-Impacted:** includes those who have been incarcerated, those with arrests/convictions but no incarceration and those who have been directly impacted by a loved one being incarcerated. While those close to us, as well as the broader society are negatively impacted by our incarceration, it is often our partners, parents, children and/or siblings who face the most significant disadvantages behind our absence and thus, categorically merit this designation.<sup>6</sup>

**Trauma-Informed Service Delivery:** recognizes the presence of trauma symptoms and acknowledges the role that trauma can play in people's lives. Trauma-informed criminal justice responses can help to avoid re-traumatizing individuals. This increases safety for all, decreases the chance of an individual returning to criminal behavior, and supports the recovery of justice-involved women and men with serious mental illness.<sup>7</sup>



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## **Pell Legislation and Reinstatement**

Pell Grant Funding was officially reinstated for incarcerated students in state and federal correctional facilities on July 1. Estimates suggest that as a result, over 760,000 students will be eligible to receive financial assistance for higher education.<sup>8</sup>

Pell reinstatement comes after multiple decades of a ban on incarcerated student access to federal funding. In 1994, the Violent Crime Control and Law Enforcement Act, amongst other provisions, banned Pell Grant eligibility for incarcerated students. This restricted their access to higher education and led to a stark decline in the programs available throughout the 1990s. After the over twenty-year ban, The Consolidated Appropriations Act was signed into law in December 2020, which subsequently expanded Pell Grant eligibility for millions of incarcerated students across the country.

Pell Grants are designed to provide federal-level financial support for increasing access to postsecondary education by addressing decades of inequalities faced due to disparities in socioeconomic advancement, access to education, and upward mobility.<sup>9</sup> Evidently, Pell has provided substantial numbers of undergraduate students with access to education and Pell reinstatement provides a promising framework for increasing access to higher education for the nearly 2.3 million people incarcerated in our nation's correctional facilities.<sup>1</sup> By expanding education for the substantial number of those behind bars in the United States, incarcerated students are provided with the capacity to build their skillsets necessary to successfully navigate reentry.

As of July 1, Pell Grants can be used by incarcerated students for educational credentials like certificates, associate degrees, and a bachelor's degree. According to the Department of Education, if the student has already received a bachelor's degree with the help of a Pell Grant, they are ineligible to receive any additional Pell funds. Moreover, Pell Grants for incarcerated students only cover tuition, fees, books, course materials, supplies, equipment, and the cost of obtaining a license, certification, or a first professional credential. This means that Pell funds



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cannot be used for graduate school or by people who have already finished a bachelor's degree, for example, and there's a lifetime limit of 12 semesters for eligibility.

Yet, despite the restrictions, the provision of Pell Grants for incarcerated students provides evidence that there is federal-level support for the success of these programs. Additionally, Pell legislation supports the need to adopt evidence-based policies and practices that promote successful reentry by providing incarcerated students with access to education, which in-turn increases community safety. In light of the evidence surrounding best practices in the criminal legal system, we recommend four metrics to inform the continued success of higher education in prison programs:

### **1. Reentry Partnerships Between Higher Education in Prison Programs and Reentry Organizations Should be Mandatory**

Research details the benefits between participation in higher education in prison programs and reentry. Specifically, student participation is likely to lead to decreased recidivism.<sup>10</sup> As early as the first day of incarceration, higher education and reentry institutions must connect with students to begin thinking about the steps necessary to help the student prepare for reentry success. This is pivotal and will aid students take early and informed steps to create an actionable plan to work towards their eventual release.

Over 600,000 individuals are released from correctional facilities and return to the community each year with limited workforce experience and marketable skills. In order to successfully provide benefits to these individuals upon reentry, higher education in prison programs must go beyond supporting students inside correctional facilities by partnering with reentry organizations to help facilitate their success upon release. At a minimum, programs should provide students with organizational contacts, locations, and information prior to release to ensure they receive direction toward gaining support upon reentry.





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As highlighted in the Department of Education’s Beyond the Box Report, addressing the needs of formerly incarcerated students requires providing them with a variety of services both related to, and beyond, education itself.<sup>11</sup> There are often services that education cannot provide, and as such, if services are not available for students through their higher education program, it is important to link community organizations and government programs with higher education programs to help meet the unique and specific needs of students upon reentry.

Consistent with the recommendations listed in our recent Public Comment to the Department of Education, many students enrolled in higher education will also return to the community, thus this should be a requirement to be useful for student success both while incarcerated and upon release. At a minimum, a list of resources for students, including organizational contacts and/or locations, should be provided to students to ensure they are offered support services and resources upon reentry.

## **2. Institutions of Higher Education Should Not be Permitted to Operate Higher Education in Prison Programs if they Discriminate Against Formerly Incarcerated Students**

The legislation that restored Pell Grants for people in prison removed any federal barriers to eligibility related to how long people’s sentences are or their specific crimes, but state discretion remains. Discrimination on the basis of a criminal history is well documented on the basis of employment, housing, education, and services, amongst other things.<sup>12</sup> This presents incarcerated students with significant barriers to continuing their education upon release, evident by the approximately 70 percent of colleges who ask applicants about their criminal history on their admissions applications.<sup>13</sup>



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Since 2017, the Department of Education's Beyond the Box toolkit and initiative has jumpstarted the introduction of legislation prohibiting or limiting colleges and universities from asking about criminal history on their applications<sup>13</sup>. Most recently, Oregon and Virginia have passed legislation, along with the implementation of the policy at the school level for several private and public universities to remove criminal history questions from their applications. We commend these actions and recommend that any postsecondary education program provided to students inside removes their criminal history question from their institution's application in order to provide students with a smooth transition to obtaining their degree upon release.

### **3. Programs Should be Required to Provide Students with the Financial Education and Technological Skills Necessary to Succeed in the Modern Workforce**

Incarcerated students generally have lower levels of literacy and technological skillsets compared to the general population. Consistent with the larger City University of New York (CUNY) System, we believe that programs should be evaluated based on their provision of financial aid counseling and literacy to students, along with their provision of access to technology for students.

At a minimum, there should be standards understood surrounding the need for higher education in prison programs to be as similar as possible to higher education on campus that take into consideration the particular circumstances of correctional institutions (i.e. no library, internet, research, technology). While COVID-19 helped to heighten the use of hybrid learning and technology for prison education programs, correctional institutions remain hesitant to allow universal adoption of technology for their students. Evidently, there remain substantial inequalities and inconsistencies regarding access to technology and digital devices inside correctional facilities in comparison to the general public.



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Students participating in Pell deserve high-quality programming in line with college and university courses on campus. Unlike traditional students, incarcerated students often do not have internet or phone access. This means that along with limited technological access and skillsets, they cannot search for the information available on college programs, costs, and financial aid availability should they enroll in higher education. Because of this, we echo the solution provided by the University of Utah (2023) that details that the Department of Education needs to develop clear and consistent communication materials, hold small group sessions on the FAFSA, and provide students with internet access. Moreover, the standard level of communication must provide adequate information to students, distributed on a consistent and timely basis, so that they are aware of their options and opportunities.<sup>14</sup>

Our THRIVE Program provides an evidence-based example of detailing clear and consistent financial information to promote financial literacy. Throughout our THRIVE training sites, individuals are trained by a certified financial health counselor with a concentration in credit and debt repair. This provides the population we train, who often work with currently and formerly incarcerated students, with the financial information necessary to help individuals navigate the labor market and beyond upon release. Additionally, trainees can access our financial education train-the-trainer curriculum to pass on knowledge to clients, employees, and students.

#### **4. Higher Education in Prison Programs Should Address the Unique Barriers Women Face by Providing Trauma-Informed Training for Those Volunteering and Working for Programs Offered in Women’s Facilities**

The female incarcerated population has risen dramatically since the 1980s.<sup>15</sup> As of 2021, 47 out of every 1000,000 women were in prison, and over half in state prisons had a child under the age of 18.<sup>16</sup> Despite the rise



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in the female incarcerated population, women make up just 15 percent of incarcerated students and are underrepresented across higher education in prison programs.<sup>17</sup>

Although many states have women's prisons, the majority of the higher education in prison programs across the country serve men. Despite the limited availability, when programs are available, women often sign up in greater percentages than their male counterparts.<sup>17</sup> Evidence provides support for the specific benefits of these programs for women – including decreased criminogenic attitudes and increased perceptions of self, amongst other things.<sup>18</sup>

Departments of Corrections have been under pressure to increase programming options for women to address the disparities in program availability nationwide. With the rapid growth in women's incarceration over the past two decades, it remains pivotal to address the gender and trauma-specific needs of this population. Specifically, research highlights increased rates of childhood disadvantage, homelessness, and physical and mental health in women compared to their male counterparts.<sup>1</sup> By a variety of measures, women are worse off than men prior to, during, and after incarceration, and programs must consider the unique circumstances of women to better support their needs.

As an organization, CCF works with justice-involved women through community support, access to higher education, and eliminating systemic opportunities. We help women reach the goals and dreams they had for themselves before they were ever involved with the criminal justice system by providing a sisterhood of women supporting women who all work toward similar goals. We enable women with criminal justice involvement to earn their college degrees and advance their careers so that they, their families, and their communities can thrive.



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We encourage higher education in prison programs to use gender-responsive and trauma-informed approaches to support the success of all women. This includes considering the unique risk factors of women, including depression, anxiety, and unhealthy relationships to meet the specific needs and challenges of women during service delivery.

## **Conclusion**

The return of Pell Grants has the potential to expand access to postsecondary education across the country. The provision of education for incarcerated students provides one way to address the subsequent disproportionate impact of the criminal justice system for the nearly 2 million Americans incarcerated, particularly for people of color and people living in poverty. Research provides promising evidence that postsecondary education programs improve educational outcomes for incarcerated students and decrease recidivism, amongst other benefits.<sup>10</sup> These programs will increase support for the many incarcerated students seeking to continue their education and will provide the institutions that serve them the resources to help support students succeed throughout their educational journey.<sup>5</sup>

It remains pivotal for the financial aid community to stay well-equipped and committed to its role in counseling and assisting students throughout the financial aid application process.<sup>2</sup> Consistent with the recommendations by the National Association of Student Financial Aid Administrators, we believe that the financial aid administrators working with incarcerated students must be equipped with the knowledge and skills needed to support and empower incarcerated students upon working with them after the gap in working with this population as a result of the 1994 ban. We emphasize the critical role of NASFAA as a pivotal organization to provide training, professional development, and assistance necessary to assist incarcerated students in the specific challenges they might face throughout the financial aid application process.



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