

MEMORANDUM



TO: Office of Postsecondary Education, Department of Education
RE: Supporting Continuity of Education From Carceral Setting to Reentry In Regulations on Pell Grants for Prison Education Programs
DATE: 12/03/2021
FROM: Two Formerly Incarcerated led Organizations that focus on Education: College & Community Fellowship & Formerly Incarcerated College Graduates Network

Summary

With Pell reinstated for incarcerated individuals, thousands of new Prison Education Programs (PEP) will be created. The U.S. Department of Education (The Department) is engaged in negotiated rulemaking to provide regulations in support of this new law. Absent from the conversations is that more individuals who will now begin a postsecondary education inside will not finish their degree within the correctional setting and will instead have to finish during reentry. This paper establishes the obligation of the U.S. Department of Education to support education in reentry. Based on interviews with formerly incarcerated individuals, the paper also demonstrates the types of support PEP could provide to help with the 'education continuum' from college inside to education outside. The ultimate goal is that the Department of Education seize this opportunity to create a regulatory framework that reflects the realities of the inextricable link between correctional education and education in reentry and advance the values it has previously promoted that will provide the most educational access and opportunity.

Issue: Most of those in Prison Education Programs will Not Graduate Inside

There is a widespread assumption by many--including the federal government and PEP¹--that most incarcerated individuals' educational journey ends inside the prison walls. However, this is patently false as many people will have to continue their education during reentry to obtain a degree. The Department must consider including regulations that support this population who will not complete their degrees while incarcerated by

¹ In establishing eligibility for Title IV funding, the Department of Education is calling programs "Prison Education Programs" (PEP). Right now the programs are called College-in-Prison program providers, higher education in prison and other terms. For the purposes of clarity throughout this paper we will refer to all education programs offered inside as Prison Education Programs.

establishing requirements for PEP programs to engage students in education continuity planning and to link them to or directly provide community-based reentry services that support degree completion post-release. Failure to do so undermines the promises made by the Department around Pell restoration and threatens to reduce the return on federal investment made through PEP.

Due to [transfers](#), which are often not recorded, sentence length, and other external factors, many [cannot finish](#) their educational journey inside prison. The Department has [recognized](#) this phenomenon and its impact on the continuity of education. Given the statement that most people will not obtain their degree inside, the natural question is what percentage of people graduate from PEP? Unfortunately, that data does not exist. Current PEP are Second Chance Pell Sites, which were created with the intention to be [evaluated](#) and other programs that operate with state-based funding or private funding do not have data that can be extrapolated. Others exist with private funding and there is no central repository of information. However, one [study](#) acknowledged: “our data did not allow us to track whether people went to college before, during, or after incarceration,” it found as of 2009, 29% of the U.S. population had a college degree, while only 4% of formerly incarcerated people did.

Our organizations--College & Community Fellowship (“CCF”) and the Formerly Incarcerated College Graduates Network (“FICGN”)--both serve people in reentry pursuing degree completion, and we have both worked with many students to overcome the challenges of reentry while seeking higher education degrees. Both of our organizations serve many students who started educational programs while incarcerated but did not complete their degrees pre-release. In addition, both organizations work with many justice-impacted persons who did not begin their educational journey until they had been released to the community. Among FICGN members at intake, 55% indicated that they had not taken a college course while incarcerated. In 2000, College & Community Fellowship (“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. By implementing many of the practices described below we were able to help women obtain their degree. Since then, many organizations have followed suit and offer similar support for college success to women and men post-incarceration. We conducted a number of interviews with alumni to inform this paper.

Prison Education Programs (PEP) and the Department of Education have an Ongoing Obligation to See Students’ Journey Through Reentry

As new PEP enter correctional facilities across the country, thousands of incarcerated people will begin their postsecondary education. If PEP solely operated with the intention and value of providing courses to the carceral population their responsibility would not extend to the incarcerated person post-release. Yet the obligation of PEP comes from their own mission and value statements. A randomized review yielded promises of opportunity, liberation, employment, and degree completion. As will be explored, PEP are uniquely positioned to assist in the journey to higher education, whether on their respective college campus or at another.

The Department also has a responsibility to ensure the successful completion of education by those who are released from prison based on the intent of the statute they act pursuant to, their own proposed frameworks and findings, and the values they have put forth specific to this population. Most obviously, Pell eligibility [requires](#) enrollment in a degree-granting program and there is a [limit](#) to how many Pell Grant awards one can receive in a lifetime. Further, the enacting statute, the [Consolidated Appropriations Act of 2021](#), that triggered negotiated rulemaking considers factors that involve a continuing educational journey when determining what would make a program eligible to be a PEP. This includes “[the transferability of credits for courses available to confined or incarcerated individuals](#)” and “[offering relevant academic and career advising services to participating confined or incarcerated individuals while they are confined . . . and upon release \[emphasis added\]](#).” These factors contemplate education within reentry.

This is consistent with years of findings by the Department that actually introduced the term “education continuum” in the [Reentry Framework](#). The Reentry Framework was first created in 2012 by the Department with partners to illustrate and strengthen the existing and necessary reciprocal relationships between both education inside and continued support outside prison facilities.² In the section *Ensuring Education is Well Integrated in the Corrections system* Department’s Reentry model posits:



[“Those who are incarcerated or under community supervision have a range of needs and risks that must be identified upon intake and addressed during their incarceration or community supervision to ensure their successful reintegration into society. . . . Education services, therefore, should be closely coordinated with support services and other services in the facility \(e.g., employment services and prison jobs\) designed to address offenders’ diverse needs.”](#)

After acknowledging the inextricable ties between correctional education and reentry and promoting this among states, not only here but in [grantmaking](#) proposals as well, it is only reasonable under this new law, through which they have a direct nexus to correctional education through the provision of Pell, that the Department would incorporate the principles they researched and promote.

The Department has also promoted the inherent value of higher education for formerly incarcerated people whether or not it is the continuation of a pathway that began inside prison. In 2016, the Department of Education began to promote educational opportunities for those with criminal convictions, through [Beyond the Box](#). Noting that [95% of people or roughly 600,000](#) who return home annually, the Department called on universities and employers

² In 2012, the U.S. Department of Education’s Office of Career, Technical, and Adult Education (OCTAE) released its Reentry Education Model, an evidence based effort “to bridge the gap between prison and community-based education and training programs.” This is continuously updated and the latest iteration, post-Pell implementation has yet to be published.

to remove criminal conviction questions because, according to the Department, we as a nation “[need the talents and energy of every American](#).” Ignoring the role to bridge gaps and build success for formerly incarcerated people is talent “[disposal](#)” and runs counter to American principles like open access and individualism.

In 2016, the White House and the Department also asked universities to take the [Fair Chance Education Pledge](#) which includes much of what we wish the Department would advance through the regulatory language including but not limited to “[e][stablish partnerships with the community to ensure support for the holistic needs of students](#)” and “[r][ecruit peer mentors, college coaches, and successful justice-involved graduates to work with justice-involved students](#).” These sentiments continued to the next administration which saw the Department [doubling](#) the number of Second Chance Pell sites and ultimately reinstating Pell for all incarcerated students.

Given that the Department created a framework for understanding that education continues during reentry and has sought to promote better outcomes for those formerly incarcerated in obtaining their degree, it only makes sense that the Department would create regulations that support and advance the continuity of education from inside prison onto campuses.

The Regulatory Text and the Changes that Must be Made

Acknowledging that many incarcerated individuals will obtain their degrees in the reentry process and that the Department has an ongoing responsibility to support them - the regulatory language needs to reflect these principles.

The decisions the Department of Education makes now cannot be overstated in significance. Whatever the Department puts forth, states will likely follow. It provides the floor.

As the language stands, it mentions reentry but does not sufficiently or with enough specificity provide the multiple layers of support this population needs. The educational journey in [reentry](#) is far more treacherous than inside prison. Inside the prison walls, education offers a [reprieve](#) from harsh conditions. Individuals [report](#) taking as many classes as possible and much of the work needed to do this is [handled](#) by PEP.

Without a value statement on either prison or reentry, reentry is predominantly characterized by conditions that make obtaining an education far more [difficult](#). An individual must identify basic needs like housing and employment and balance competing interests like familial obligations and community supervision. These basic needs do not even touch on the difficulty of navigating all that is associated with education, especially as an adult learner.

For precedent on how to support students obtaining education during reentry, and to hold PEP to accountable, the Department should look no further than to the [services that they already provide](#) for adult/non-traditional students that include components like college admissions applications, assessment and enhancement of basic skills through counseling, mentoring, tutoring, and academic instruction in the core subject area.

We propose that the Department of Education:

In order to be eligible to operate, require Prison Education Programs (PEP) to engage collaboratively with each student to develop an education continuity plan as part of reentry planning.

Require that this type of reentry planning follow standards established by a collaboration of stakeholders, including formerly and currently incarcerated individuals, at the federal and/or state level. This group must establish appropriate standards to be fulfilled by a prison education program through means, such as, partnerships with community-based organizations and is continuously updated. The group must also create an evaluation to provide to every cohort of alumni to constantly refine and identify gaps in reentry support.

The standards should include, at a minimum:

- Identify or provide or at a minimum link to providers who can address basic needs associated with the state's community supervision requirements such as housing and employment that can be barriers to education completion
- Financial aid counseling, digital literacy, accreditation support, transfer, and enrollment counseling*, on-campus support, and counseling on all that is associated with education outside prison, as well as building a career
- Identification of and information about educational institutions in the community that may be accessible to the student's place of release and provide educational programs aligned with the student's degree objectives
- Soft skill-building like networking, problem solving, project management, and self-advocacy
- Creation of safe spaces and mentorship programs post-release

Prison education programs must provide ongoing evaluations to see that their approach to reentry planning is sufficient. If significant themes emerge, the Department should identify grantmaking opportunities to support innovations in closing gaps that do not prohibit the participation of smaller Prison Education Programs. PEP of a smaller size or lacking demonstrated access to CBOs need to be further accommodated and supported by the Department.

*Prison Education Programs that are educational institutions should set up policies to transfer students directly onto their campus if the students wish.

Whether the formerly incarcerated student actually follows the reentry plan should not be a metric. It is on the Prison Education Program provider to offer it and up to any student if they wish to follow it.

Regulatory Language Must be Specific Enough to Require Real Reentry Consideration and Flexible Enough to Adapt to State Specific Needs

The current language put forward by the U.S. Department of Education is a mixture of language that has not yet been approved by the main negotiating committee. The ideal language has minimum standards, broad stakeholder feedback, and adaptability. The emphasis of “reentry planning” is meant to reflect the malleability based on how all of the various components at issue, from administration of correctional education, to varying reentry resources from state to state.

The hope is the language would generate state level legislation that encourages reentry consideration consistent with jurisdictional requirements. Models of PEP vary drastically across jurisdictions. [Some](#) PEP are educational institutions that can matriculate incarcerated people for a seamless transition onto campus, while others facilitate college through [partnerships](#) with higher education institutions. Ideal legislation is California’s [SB-416](#). The legislation requires partnership with the State’s preeminent programs that advance incarcerated and formerly incarcerated people in obtaining their degree and includes measures like, “[\[c\]oordinate with other colleges and universities serving students in the department so that inmate students who are transferred to another institution can continue building toward a degree or credential.](#)”

We acknowledge that the size and resources of PEP varies greatly and many, especially those located in rural areas, may not have the access and connection to community-based organizations that is needed to carry out the measures listed on p. 4. This is an area that requires attention and the Department needs to bridge this gap and provide additional resources to ensure that education reentry planning can be carried out.

Reentry Planning: Illustrations of the Concrete and the Intangible Considerations PEP Must Include for Education in Reentry

Given that the Department and PEP have a responsibility to help the completion of education in reentry, through a literature review, informal conversations with peers, and interviews with alumni, we have identified some of the biggest deficits that exist in the current college-in-prison regime and describe some ways these could be addressed. This is meant to more vividly illustrate where and how PEP can assist with a formerly incarcerated individual’s journey onto campus. Our hope is that this depiction will help the Department to understand how PEP can work with students and what best practices look like. While this goes into greater detail than would ever be addressed by the Department, we hope seeing what the ideal connections and actions look like will help the Department to craft the appropriate regulatory language and corresponding guidance to aid in allowing formerly incarcerated individuals to ultimately achieve long-term self-efficacy. As much as possible, the below is meant to apply to a Prison Education Program of any kind, though it will occasionally be noted how certain models can do more.

Our interviews shed light on just how little the education continuum is currently supported. The overarching theme of our interviews was that stepping onto campuses, even at the educational institutions they had enjoyed inside, was described negatively with some going as far as to say it was “the most demoralizing experience of my life.” Others described feeling like they were provided “access” but then set up to fail and others recounted stories of being shamed and treated as a “second class citizen.”

Identified Obstacles to Education in Reentry

Each obstacle to education in reentry has multiple components. These obstacles should not define the education continuum. In fact, one of the most critical components is that we shift focus to what [assets](#) formerly incarcerated students [bring](#) to an educational institution.

Reentry presents [hurdles](#) like the immediate need for stable housing, employment, and other resources, which is required to satisfy community supervision. There is the need for assistance in obtaining these supports, as well as the need for appropriate perception of the time, resources, and energy that will be dedicated to getting these supports and how that might be counterbalanced against any demands by an educational institution.

Some interviewees who pursued education described the disappointment in themselves when they could not fulfill a certain course load, while others lamented that after doing everything in their power to tend to all their emerging responsibilities, college now seemed too far away. A few interviewees went as far as to say that obstacles faced in education on the outside were often triggering. Many walked the halls feeling isolated and not knowing what was appropriate to ask and what would make them seem foolish. Finally, there was the detriment of the assumptions made about the person based on status and that the manner in which they were characterized or felt they were observed caused harm.

Best Practices to Guide How PEP Might Conduct “Reentry Planning”

PEP cannot and should not be solely responsible for all aspects of reentry. However, based on when they are introduced to the incarcerated person, they may play a key role. What they can do is often dictated by their resources. For example, while all PEP should be responsible for assisting people in finding housing or linking to housing providers, a small PEP may conduct a needs assessment and provide the appropriate referral, while a large educational institution should consider providing housing themselves. Many of the most significant partnerships will be with community-based organizations (CBO). All PEP should be required to conduct “reentry planning” that involves working with the students to assess what needs they have upon release, connecting them with the appropriate service providers, and through partnerships or their own work, supporting degree attainment.

Early Motivation and Reality Checks on Education on the Outside

PEP should start to promote the completion of education, if not possible inside prison, as a goal as early on as possible when they begin providing correctional education and administering courses in prison. The PEP should also speak to what education is like outside, utilizing alumni and compensating them to inspire individuals inside prison. Hiring alumni serves dual purposes: current students can see what they can become and the PEP is creating more pathways to success for those who participate in their programming. Alumni should also address that obtaining education outside the prison walls is in fact daunting, but feasible. The [earlier](#) an individual knows that continuing their degree on the outside will be more of a struggle, the more equipped they can be to plan accordingly.

Accompanying this should be classes that teach skills that can be transferable across areas of employment and in one’s professional and personal life. This includes a [constructivist](#)

approach that focuses on [problem solving and project/time management](#) that can be utilized as a person builds their life on the outside.

As soon as a student chooses a degree and major, they should be made fully aware of the potential discrimination they may face based on having a criminal conviction. This is something the Department is actively debating. The key is informed decision-making. No one should be barred from studying something that could result in a career where a criminal conviction is a problem as that individual may be able to break the glass ceiling. At the same time, interviewees spoke about never having been told they would need to go through licensing processes that required obtaining a lawyer and accruing massive fees. Barriers to obtaining degrees and then corresponding licenses were frustrating and all the more so when an individual was not made aware of these early on.

Obtaining Necessary Supports

Stable housing and employment are immediate needs. For this, CCF has established strong reciprocal referral relationships with organizations that specialize in these areas. It is a constant goal to [centralize](#) this as much as possible even if it is merely one person with an awareness of the landscape of reentry needs. This person can be housed in the PEP or in a designated CBO. They should also be offering resources to prepare an individual to acquire these reentry needs. For example, a CBO should offer career services. While career-based services should include practices like resume and cover letter drafting, it should also help individuals to characterize what they learned in prison in a positive way, depending on if they wish to disclose status, as several interviewees reflected they had taken certificate courses inside but had no idea how to appropriately list and describe them to an employer.

People will have new expenses when they obtain education on the outside. As described, inside prison most is handled by the PEP, but outside people will need counseling on navigating financial aid, as well as help with supplies like [books](#) and computers. Interviewees described professors complaining about students completing projects on their phones. A PEP should not consider an individual to be prepared for college until they have assessed the resources to which an individual has access to and through grants and/or partnerships to ensure they are filling any identified gaps.

There is a need for academic counseling that is mindful of the unique challenges faced by those who are returning to the community. A facilitator from a community-based organization may set out, for example, what people should bear in mind as they go through the college-in-prison process, like registration deadlines, drop-out periods, etc. A good CBO partner will support students to recalibrate their plan according to current demands such as deciding which semester to enroll in school and determining how many courses to take. They can also help in reviewing the courses taken within prisons and helping to assure those credits transfer successfully.

There are also needs that will emerge that are case-specific. One interviewee described that during the pandemic many of her fellow justice impacted peers faced food insecurity and so they worked together to create a food pantry within the school. These types of emerging needs are the reason we encourage a broad group of stakeholders as well as ongoing evaluations of needs within the proposed regulatory language.

We recognize that the breadth of comprehensive reentry supports may require that the Department establish dedicated funding for PEP with coalitions of community-based providers to supplement expenses that may exceed those covered by Pell payments.

Establishing Structure and Forgiveness

Many individuals exit prison and wish to take a full course load. They are then disappointed in themselves if they are unable to do so.

Within the penal system there is extreme structure that can lead to [increased anxiety](#) around autonomy. If skills like project management are taught inside, it will facilitate the competing demands within reentry. It is not merely all that is involved--from potential child support to finding housing in a discriminatory market--but how overwhelming one perceives the full list of tasks before them, especially after leaving an environment where most decisions were made for them by a correctional institution.

To aid in such a situation, one interviewee described creating a calendar with time for commuting, for childcare, and everything else to assess whether taking a course is feasible. At the same time none of these activities will ever take exactly the time allotted. This is where the PEP or partner community-based organization must implement trauma-informed practices and the individual should be taught to forgive themselves. The [CDC](#) provides 6 principles of trauma-informed approach: 1) safety; 2) trustworthiness and transparency; 3) peer support; 4) collaboration and mutuality; 5) empowerment and choice, and; 6) cultural, historical, and gender issues.

Trauma can manifest in a number of ways. This is not specific to this population. Navigating a successful reaction that serves as an opportune teaching moment does not require a social services degree but a practice of empathy and open conversations with individuals. The [principles of working with trauma-affected individuals](#) include normalizing feelings, assisting in understanding the past and emotional impact, empowering individuals to manage situations themselves, and helping to understand current challenges in light of past victimization.

A CBO can help with trauma-related responses and avoid negative interactions with educational institutions. For example, a CBO can act as an initial sounding board for an issue that is being brought before an educational institution. Then a student can discover if their behavior is being dictated as a direct response to the situation at hand or is rooted in a coping mechanism that should be discussed in a safe space for which there are no ramifications for acting in any type of manner.

Community Empowers

One of the most important practices is to establish a formerly incarcerated peer community. Ideally, a PEP can help matriculate an individual into their educational institution so that they can seamlessly transfer. In this case, the peer community might be an on-campus student group. However, even if PEP alumni go to other universities the creation of this space can still be enormously helpful. A safe space allows people to inspire each other and share what has helped and hurt them.

One interviewee spoke about how they wished to have their own orientation. They found their traditional student counterparts had learned how to use tools like blackboard and would have benefited from the opportunity to ask questions without fear of judgment. Creating an orientation for justice-impacted students is amongst many activities the peer group could consider providing with the support of the CBO and/or PEP.

Advocacy and Creating the Environment You Wish to See

Facilitating individual and systemic advocacy can help [turn](#) the negative connotations of one's status into a motivating factor. Individuals should be taught to advocate for themselves and issues that impact their community. A student group supported by a community-based organization could position themselves to [identify](#) common themes and potential solutions. A harmful barrier that an individual is facing alone can be taken up by the group. Whether it is sharing how they might fight back against such a barrier or choosing to take up the cause using traditional tools of advocacy, like petitions and sign-on letters, there is an [instilled sense of purpose](#). A designated individual should [serve](#) to help advocate on behalf of an incarcerated individual especially as they navigate discriminatory practices. Educational institutions that operate as PEP should evaluate if they have discriminatory practices for justice-impacted students and remove them.

Conclusion

The work that is being done now by the U.S. Department of Education will set the tone for higher education in prison for years to come. It will also influence the policy of all 50 states. It must reflect the reality, as recognized within the Department's own Reentry Framework, that many people will not graduate inside prison. The regulatory language should require Prison Education Programs to provide reentry planning so that education can successfully be completed upon a person's release. This reflects the intent of Congress, the Department of Education, and pre-existing Prison Education Programs that all speak of the opportunity and extraordinary values and benefits that come with providing justice-impacted populations a college degree.

This memo is supported by the following undersigned organizations and individuals.

Organizations

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Be Proximate Center for People | Transformative Justice | Faith
Breaking the Chains Of Your Mind
Center for Disability Rights
Children's Haven: A Place of Healing & Hope, Inc.
College and Community Fellowship
Education Justice Project
Equity and Transformation
Formerly Incarcerated College Graduates Network
From Prison Cells to PhD, Inc
Jhooz Company
Justice Innovations
Kansas Department of Corrections
Legal Action Center
Mississippi Valley State University
Music on the Inside, Inc.
My New Journeys/Outside In with Prayers
NAMI
National HIRE Network
New Hour for Women & Children II
Nolef Turns
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Individuals (*Individuals who chose to disclose that they are justice-impacted)

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