



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

May 9, 2016

Dear College and University Leaders:

Today, an estimated 70 million Americans have some form of a criminal record.ⁱ More than 2 million people are behind bars in America, and young men of color are six times more likely to be incarcerated than white males.ⁱⁱ People who have criminal histories continue to be part of our society; they are our neighbors, our colleagues, and our family members. And nearly every person behind bars – 95 percent of the total prison population – will one day leave prison, and approximately 600,000 people annually reenter society.ⁱⁱⁱ Allowing these Americans to achieve success by providing access to quality education and training opportunities is wise criminal justice policy, smart economics, and a critically important investment in our future. The benefits extend beyond individuals to families, neighborhoods, and the nation. With this letter and the attached guidance, we seek your help in expanding such opportunities for potential students and employees at your institutions.

As postsecondary leaders, you understand that a postsecondary degree or credential matters more than ever in today's economy to the prosperity of individuals and our nation.^{iv} You may also already know that few interventions can reduce recidivism, promote safety, and prepare people to lead law-abiding, productive lives like access to quality postsecondary education and training.^v That's why so many of you have sought to participate in the U.S. Department of Education's Second Chance Pell pilot program to allow a limited number of incarcerated individuals to be eligible to receive Pell Grants to pay for education and training programs from colleges and universities.

And yet, while it is critically important that we expand opportunities for students who are currently incarcerated, it is also of critical importance that we ensure opportunities for individuals in our communities who have a criminal record but are not incarcerated. Young people and adults who have been involved with the criminal justice system – whether they have been arrested but not convicted, convicted but never incarcerated, or are formerly incarcerated – continue to face significant hurdles in obtaining access to higher education or career training.

Research shows that one key obstacle for the millions of Americans with criminal records is the collection and use of criminal justice information in the application process for postsecondary education and training.^{vi} The guide accompanying this letter ("*Beyond the Box: Increasing Access to Higher Education for Justice Involved Individuals*") offers recommendations to the higher education community – including college and university presidents, deans, admissions officers and counselors – for designing admissions policies that attract a diverse and qualified student body without creating unnecessary barriers for prospective students who have been involved with the justice system, but who are now seeking to lead successful and law-abiding lives. We urge you, as institutional leaders, to carefully consider the approaches currently in use at your institutions, as well as the specific recommendations identified in the guide.

The policy and programmatic reforms contained in this guide are part of a multifaceted effort to reduce the collateral consequences of justice involvement. Through the Federal Interagency

Reentry Council and the My Brother's Keeper Initiative, this Administration has made great strides toward improving the life outcomes of Americans who may have come into contact with the justice system by increasing access to education, employment, and housing.

I encourage you as large employers to join the Federal government, 23 states, over 100 cities and counties, and many notable private corporations that have reconsidered how they use criminal justice information during their hiring practices by removing questions about criminal justice information from the early stages of the employment process as part of an effort to promote fair hiring and equal opportunity.^{vii}

For our nation to lead and succeed in the 21st century, we need the full talents and energy of every American. Those who have paid their debt and served their sentences deserve an equal chance to learn and thrive. Together, through the power of high-quality education, we can help youth and adults who have been involved in the criminal justice system rebuild their lives, reclaim their sense of purpose and direction, rejoin society, and realize their full potential. By preparing these learners to achieve their academic and career goals, we will promote public safety and strengthen the families and communities that depend on their success.

That's the nation we want to be. Americans believe in second chances. Let's work together to help justice-involved students make the most of theirs.

Sincerely,

John B. King, Jr.

ⁱ *Survey of State Criminal History Information Systems, 2012*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2014. <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>.

ⁱⁱ Travis, Jeremy, Bruce Western, and Steve Redburn, eds. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, D.C.: National Research Council, 2014. <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

ⁱⁱⁱ Guerino, Paul, Paige M. Harrison, and William J. Sabol. *Prisoners in 2010*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2011. <http://www.bjs.gov/content/pub/pdf/p10.pdf>.

^{iv} Today, three-quarters of the fastest growing occupations require education and training beyond a high school diploma. Indeed, college graduates earn 66% more, are far less likely to face unemployment, and will earn as much as \$1 million more during their careers than those without postsecondary education. And by 2020, two-thirds of the jobs will require postsecondary education or training.

^v In a study funded by the Justice Department's Bureau of Justice Assistance, RAND Corporation estimated that incarcerated individuals who participate in correctional education are 43% less likely to return to prison within three years. And for every dollar invested in correctional education programs, five dollars are saved on re-incarceration costs. Beyond the benefits of education in general, a study sponsored by the Indiana Department of Correction found that inmates who take college courses return to prison at a rate of less than 5 percent, compared with a national average of roughly 68 percent within three years of release, according to federal statistics.

^{vi} Weisman, Marsha, Alan Rosenthal, Patricia Warth, Elaine Wolf, Michael Messina-Yauchzy, Loren Siegel. *The Use of Criminal History Records in College Admissions Reconsidered*. Center for Community Alternatives, 2010. <http://communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>.

^{vii} Avery, Beth and Michelle Natividad Rodriguez. *Ban the Box: US Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People With Past Convictions*. New York: National Employment Law Project, 2016. <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>.