

Prison Education Programs Subcommittee

Report-Out to Session Two
Negotiated Rulemaking Committee
Affordability and Student Loans

November 1, 2021

Overview of the Law

- To be eligible for Pell Grants, prison education programs must:
 - Be offered by an eligible public, nonprofit, or vocational institution
 - Be approved to operate in a correctional facility
 - Be determined by the state department of corrections or federal Bureau of Prisons to be operating in the best interest of students
 - Offer transferability of credits
 - Be offered by an institution not subject to a loss of Title IV, adverse accreditor action, or revocation of state authorization in the past five years
 - If applicable, meet licensure/certification requirements in the state where most students will reside after release
 - If applicable, not offer programs designed to lead to licensure if the occupation typically prohibits licensure/employment of formerly incarcerated individuals in that state
- Statute also includes a variety of reporting requirements for institutions and the Department and a requirement for an IES evaluation

Subcommittee Schedule

- November 8-10, 2021: Subcommittee Meeting
- December 6-10: Report-Out to Full Committee and Full Committee Vote

General Areas of Agreement

- Definition of “additional location” to include prison facilities (34 CFR 600.2)
- Clarification of policy for allowing institutional waivers from statutory prohibition on enrolling more than 25% of students as incarcerated (34 CFR 600.7)
- Definition of a “prison education program” (34 CFR 668.8) components:
 - Technical changes to reflect statutory requirements. 668.8(n) and (o)(1)
 - Periodic reevaluations of PEP approval to operate 668.8(o)(3)(iv)
 - Credit transfer requirements 668.8(o)(5)
 - Disapproval for institutions subject to an initiated adverse action 668.8(o)(7)
 - Reporting requirements 668.8(o)(12)
- Wind-down of eligible programs already operating in correctional facilities (34 CFR 668.8(p))
- Treatment of credit balances for incarcerated students (34 CFR 690.62)

Continued Areas of Work

- Definition of “confined or incarcerated individual” (34 CFR 600.2)
- ED approval of first eligible prison education program at first two additional locations (34 CFR 600.10)
- Particular language for reporting of additional locations (34 CFR 600.21)
- Definition of a “prison education program” (34 CFR 668.8) components:
 - Opportunities to include key stakeholders in DOC/BOP reviews (throughout)
 - Definition of programs “operating in the best interests of students” (668.8(o)(3))
 - Particular language for institutions that have experienced adverse actions in the previous five years (668.8(o)(6))
 - Particular language for satisfying licensure/certification requirements (668.8(o)(8))
 - Requirements for not offering education that requires licensure if the occupation typically prohibits licensure/employment of formerly incarcerated individuals (668.8(o)(9))
 - Particular language for accreditor review of PEPs (668.8(o)(10))
 - Application requirements to ED for approval of first PEP at first two additional locations (668.8(o)(11))
 - Student protections in event of ED withdrawal of approval of a PEP (668.8(o)(13))
- Particular language for technical changes to Pell definition (668.32)
- Disclosure requirements to incarcerated individuals (668.43)

Questions?