

February 8, 2019

The Honorable Lamar Alexander
Chairman, Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, D.C. 20510-6200

The Honorable Bobby Scott
Chairman, Committee on Education and
Labor
United States House of Representatives
Washington, D.C. 20515

The Honorable Patty Murray
Ranking Member, Committee on Health,
Education, Labor, and Pensions
United States Senate
Washington, D.C. 20510-6200

The Honorable Virginia Foxx
Ranking Member, Committee on Education
and Labor
United States House of Representatives
Washington, D.C. 20515

Dear Senator/Representative:

On behalf of the organizations listed below, we commend the bipartisan interest in providing access to Pell Grants for incarcerated individuals in the reauthorization of the Higher Education Act this year. As our country continues to grapple with how to best reform the justice system and support successful reentry for formerly incarcerated individuals, there is growing recognition that high quality educational opportunities for incarcerated people need to be a central piece of those strategies. Unfortunately, longstanding policies such as the ban on Pell Grant eligibility for incarcerated individuals hinder progress, further marginalizing people in confinement and limiting opportunities for successful reentry.

In addition to the obvious human benefit of providing an education to people marginalized by systemic inequalities, a large and growing body of research has found that offering education programs, including postsecondary programs, to incarcerated individuals reduces the likelihood that they will return to prison by more than 40 percent. This reduction to the cost that would result from reincarceration saves five times the cost of educating individuals while incarcerated.

Increasing access to Pell funds, however, must also create a meaningful opportunity to attain a high quality education and so certain guardrails are critical to ensure the responsible use of federal funds and the fair treatment of students. As Congress considers the reauthorization of the Higher Education Act, the principles set forth below should be included:

- Students shall be eligible without regard to type of conviction or remaining length of sentence;
- In order to ensure fair treatment for students, and responsible stewardship of federal funds, higher education institutions should only be eligible to receive Pell dollars for the education of incarcerated people if the educational institution:

- Will publicly report relevant program participation and student outcomes data. These data should be disaggregated by students' race/ethnicity, gender, sexual orientation, gender identity, age, disability status, and Limited English Proficiency status in order to determine whether and to what extent programs are serving incarcerated students equitably;
- Has a demonstrated record of strong outcomes for students, whether incarcerated and/or non-incarcerated;
- Has not been identified for compliance concerns regarding other regulatory or accreditation issues that apply to them in other contexts, such as not meeting the 90-10 requirement, not being on notice or probation or any other flags from accreditors, and not meeting the cohort default rate requirement for any year;
- Only provides students with the cost of the education that will not exceed the value of the Pell Grant or other funding the institution may have received to support higher education programs, with no tuition, debt, or other charge passed on to the enrolled student;
- Is fully transparent with students about any institutional barriers to admissions or financial aid that they could face either during or after incarceration;
- Should offer incarcerated students the same opportunity for academic and career advising/counseling that their non-incarcerated students receive;
- Facilitate students' future career and educational goals through articulation agreements, transferability of credits, and admission and comprehensive support services for students coming onto campus.

These policy barriers to accessing higher education are compounded by the barriers students face to voting, employment, and access to housing and public benefits upon release. While this document focuses exclusively on needed components of expanded postsecondary educational opportunity for people during their incarceration, Congress must also work to remove these other barriers to ensure the full benefit of the skills and talents these individuals have to offer.

In accordance with these principles, we urge Congress to address the needed components of expanded postsecondary educational opportunity for incarcerated individuals in the reauthorization of the Higher Education Act. If you have any questions or need additional information, please contact Hayne Yoon, director of government affairs at the Vera Institute of Justice at hyoon@vera.org or (202) 465-8906 or CJ Powell, higher education program analyst at The Leadership Conference, at powell@civilrights.org or (202) 263-2880.

Sincerely,

American Civil Liberties Union
Association of State and Federal Directors of Correctional Education
CAN-DO Foundation
Center for Law and Social Policy (CLASP)
Correctional Education Association

CURE (Citizens United for Rehabilitation of Errants)
Drug Policy Alliance
Education Trust
Friends of Guest House
Human Rights Watch
Institute for Higher Education Policy
JustLeadership USA
Leadership Conference on Civil and Human Rights
National African American Drug Policy Coalition, Inc.
National Employment Law Center
New America
Safer Foundation
Students for Sensible Drug Policy
Unidos US
Vera Institute of Justice