

The Second Chance Pell Pilot Program: A Historical Overview

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Key Points

- In July 2015, the Obama administration announced the Second Chance Pell Pilot Program to support postsecondary opportunities for those incarcerated in federal and state prisons.
- Providing federal financial aid for prisoners' education is not a new idea: Through
 the Higher Education Act of 1965, prisoners were eligible to receive a Pell Grant to pay
 for college courses until legislation in 1994 prohibited them from doing so. The
 Second Chance Pell Pilot Program opens up that opportunity once again.
- As the pilot program begins its second year this fall, this brief seeks to fill a knowledge gap for policymakers, researchers, and advocates by addressing the Second Chance Pell Pilot Program's history and policy implications that shape our national debates about higher education opportunities for those in prison.

Prisoner rehabilitation through postsecondary education is one of the most contested ideas in criminal justice policy today. At the center of our national debate surrounding crime and punishment are more than 200-year-old questions about the role prisons should play in a civil society. Are America's prisons designed for corporal punishment, human improvement, or a combination thereof? Throughout the 20th and 21st centuries, the United States government has provided conflicting answers to the American public. Using Pell Grants to pay for prisoners' postsecondary education is one example.

In July 2015, the Obama administration announced the Second Chance Pell Pilot Program to support postsecondary opportunities for those incarcerated in federal and state prisons.¹ Providing federal financial aid for prisoners' education is not a new idea. Under Title IV of the Higher Education Act (HEA) of 1965, prisoners were eligible to receive a

Pell Grant to pay for college courses.² But providing federal aid to prisoners fell out of favor with many congressional Democrats and Republicans in the early 1990s as the "tough on crime" era overshadowed rehabilitation efforts in prisons, including education.³ In the wake of that era, the passage of the Violent Crime Control and Law Enforcement Act of 1994 banned prisoners from receiving Pell aid.

Obama's support of providing Pell Grants for prisoners reignited the long-standing "tough on crime" versus rehabilitation debate. For example, in 2015 Rep. Donna Edwards (D-MD) sponsored the Restoring Education and Learning Act of 2015 to permanently lift the 1994 Pell Grant ban. In response, Rep. Chris Collins (R-NY), Rep. Doug LaMalfa (R-CA), and Rep. Tom Reed (R-CA) introduced the 2015 Kids Before Cons Act, which would have banned the Department of Education from providing Pell

Grants to prisoners.⁴ Even today, this debate underpins many current policy conversations in the criminal justice space, including those surrounding the reauthorization of the Second Chance Act of 2008, which provides federal funds to states, local governments, and nonprofits to support post-release education and employment opportunities.⁵

With the Second Chance Pell Pilot Program in its second year, and with another administration in the White House, a new era in American politics has painted an unclear picture of what the future holds for postsecondary education programs operating behind prison walls. This brief seeks to fill a knowledge gap for policymakers, researchers, and advocates by addressing the Second Chance Pell Pilot Program's history and policy implications that shape our national debates about higher education opportunities for those in prison.

A Brief History

In the years following the passage of the HEA of 1965, prisons witnessed a surge in demand for college courses. By 1982, 350 college-in-prison programs enrolled almost 27,000 prisoners (9 percent of the nation's prison population),⁶ primarily through Pell Grants. The number of prisoners in education programs continued to grow. By the early 1990s, it is estimated that 772 programs were operating in 1,287 correctional facilities across the nation.⁷

This upward trend would soon change: An amendment to the HEA in 1992 was a precursor of things to come. Before the amendment, all federal and state prisoners were eligible to receive Pell aid. The amendment, however, prohibited prisoners serving a life sentence without parole, or those sentenced to death, from receiving a Pell Grant.⁸ Other prisoners remained eligible to receive Pell funding until the 1994 crime bill passed, banning all prisoners—state and federal alike—from receiving Pell dollars while incarcerated. The law stated:

Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows: '(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.'9

There was bipartisan support to abolish using Pell Grants for prisoners. Rep. Bart Gordon (D-TN) was one of the most vocal opponents. In one floor speech, he remarked:

Just because one blind hog may occasionally find an acorn doesn't mean many other blind hogs will. The same principle applies to giving federal Pell grants to prisoners. Certainly there is an occasional success story but when virtually every prisoner in America is eligible for Pell grants, national priorities and taxpayers lose.¹⁰

Expressing another long-standing argument against providing Pell Grants to prisoners, Rep. Jack Fields (R-TX) stated:

Every dollar in Pell grant funds obtained by prisoners means that fewer law-abiding students who need help in meeting their college costs are eligible for that assistance. It also means that law-abiding students that meet eligibility criteria receive smaller annual grants.¹¹

Before enacting the 1994 Crime Control and Law Enforcement Act, the federal government invested \$56 million into Pell Grants¹² that were used by 23,000 federal and state prisoners in 1993–94. The federal government's total Pell Grant spending for four million recipients was \$9.3 billion,¹³ and inmates and traditional students each received an average award of \$2,488 during the award year (the maximum award was \$3,801).¹⁴ The amount the federal government spent on Pell Grants for prisoners was less than 1 percent of total Pell spending.¹⁵ Still, the belief that providing federal financial aid to prisoners hurt law-abiding citizens became the dominant narrative.

Following fierce debate and deliberation, the 1994 crime bill cut off Pell funding to educational programs in prison almost overnight. In the absence of Pell dollars, a number of college-in-prison programs withdrew their participation, apart from a small group that could stand on their own with external support. By 1997, it is estimated that only eight college-in-prison programs existed in the United States. In the early 2000s, things remained fairly constant: Fewer prison education programs existed, and the ones that remained open did so thanks to

nonfederal government support and an ad hoc structure of volunteers, who often hailed from colleges and universities.¹⁷

In 2009, President Obama arrived at the White House with a commitment to reform the criminal justice system and to use education as part of the approach. To do so, he reached across the partisan divide to forge unique partnerships, including Newt Gingrich and Van Jones in the advocacy space and the likes of Sen. Cory Booker (D-NJ) and Sen. John Cornyn (R-TX) in Congress. In addition to many others in the think tank and research communities, these individuals were coming together to say that something needed to be done to reform the nation's prison system and that providing educational opportunities for the incarcerated would be key in reforming that system. Three factors bolstered support for this mission.

A 2013 report from the Rand Corporation found that inmates who participated in correctional education (postsecondary and other) were 43 percent less likely to recidivate than those who did not.

One was a push by governors to reform their states' costly prison systems. Another was the growth and success of university-sponsored prison education programs that provided classes to inmates for free, or for a modest price. Although many college-inprison programs closed their doors after 1994, several university programs, such as the Prison University Project in California and the Bard Prison Initiative in New York, use philanthropic and private-sector funds to provide services. Lastly, evidence from the field helped make the push for reform. In particular, a 2013 report from the Rand Corporation found that inmates who participated in correctional education (postsecondary and other) were 43 percent less likely to recidivate than those who did not. The researchers also found that every dollar invested in correctional educational programming yielded a \$4-\$5 return from savings produced by reduced reincarceration costs.¹⁹

With these factors in the backdrop, Obama announced the Second Chance Pell Pilot Program in July 2015 as an Experimental Sites Initiative (ESI) authorized under 487A(b) of the HEA. In 1992, Congress authorized federal agencies to use ESI to test the effectiveness of statutory and regulatory flexibility for participating postsecondary institutions that disburse financial aid to students.²⁰ ESI authorizes the secretary of education to partner with a select group of colleges and universities to experiment with innovative ways to disburse financial aid to students by waiving certain Title IV requirements.

The Obama administration created several ESI programs during its tenure, including the Second Chance Pell Program. The goal for the experiment was to "test whether participation in high-quality educational opportunities increases after access to financial aid for incarcerated adults is expanded and examine how waiving the restriction on providing Pell Grants to individuals incarcerated in Federal or State penal institutions influences academic and life outcomes."²¹

On August 3, 2015, the Department of Education invited higher education institutions to apply to participate in the pilot, which more than 200 postsecondary institutions did.²² On June 24, 2016, Secretary of Education John King announced the selection of 67 schools across the country that would work with more than 100 correctional facilities to enroll approximately 12,000 inmates in federal and state prisons.²³ Sites were chosen by institutional diversity, including institution type, location, enrollment, and Title IV participation level.

The Department of Education also stated that evidence indicating a "strong record on student outcomes and in the administration of the title IV HEA programs, such as evidence of programmatic compliance, cohort default rates, financial responsibility ratios, completion rates, and, for for-profit institutions, '90/10' funding levels" were taken into consideration.²⁴ "I applaud the institutions that have partnered to develop high-quality programs that will equip these students with invaluable learning," King said. "The knowledge and skills they acquire will promote successful reintegration and enable them [to] become active and engaged citizens."²⁵ Soon after, sites began to prepare for their first academic year.

Program Overview

Every one of the 66 currently active sites (see Table A1) involved in the Second Chance Pell Pilot Program represents a partnership between a correctional facility and a college or university that has agreed to provide coursework to prisoners in that facility. Each site has its own focus and curriculum, and courses in which incarcerated students enroll can lead to a certificate or associate's degree from a community college or a bachelor's degree from a public or private four-year school.²⁶ Most instruction takes place inside prisons, but a few prisons have a hybrid model of site-based and online courses.

At least 43 schools already operated a prison education program before applying to participate in the pilot, including Rutgers University and, since 1966, Lee College in Texas, which has offered inmates academic and technical education programs.²⁷ Programs such as those at Auburn University in Alabama, Danville Community College in Virginia, and two historically black colleges and universities—Langston University in Oklahoma and Wiley College in Texas—are new to the universe of prison education, and the Second Chance Pilot Program made it possible.²⁸

Similar to the pre-1994 Pell for prisoners spending, the approximately \$30 million set aside for the pilot amounts to less than 1 percent of overall Pell spending of just over \$28 billion.²⁹ Equivalent to traditional per student Pell funding, prisoners' full aid eligibility was worth up to \$5,775 in 2016,³⁰ the first academic year of the program.³¹ Pell Grants for prisoners are limited to the equivalent of six years per student and can also support one year of developmental coursework a prisoner might need.³²

To be eligible for Pell funding, the department stipulated that program sites comply with seven requirements:

- "Partner with one or more Federal or State correctional facilities to offer one or more title IV HEA eligible academic programs to incarcerated students;
- "Work with the partnering correctional facilities to encourage interested students to submit a FAFSA;
- "Only disburse Pell Grant funding to otherwise eligible students who will eventually be eligible for release from the

- correctional facility, while giving priority to those who are likely to be released within five years of enrollment in the educational program;
- "Only enroll students in postsecondary education and training programs that prepare them for high-demand occupations from which they are not legally barred from entering due to restrictions on formerly incarcerated individuals obtaining any necessary licenses or certifications for those occupations;
- "Disclose to interested students and to the Department information about any portions of a program of study that, by design, cannot be completed while students are incarcerated, as well as the options available for incarcerated students to complete any remaining program requirements post-release;
- "As appropriate, offer students the opportunity to continue their enrollment in the academic program if the student is released from prison prior to program completion; and
- "Inform students of the academic and financial options available if they are not able to complete the academic program while incarcerated. This includes whether the students can continue in the program after release, transfer credits earned in the program to another program offered by the institution, or transfer credits earned in the program to another postsecondary institution." ⁷³³

Apart from the Department of Education's broad requirements, program sites have incredible autonomy in determining eligibility, curriculum, and enrollment. Today, the program's rollout demonstrates that sites are in varying stages of their development. Many of the institutions providing education to prisoners through Pell funding were already doing so before the pilot, making the start of their program a much smoother process. Others were entirely new sites and needed to obtain approval from their accreditors, secure correctional partners, and establish procedures by which incarcerated students can complete the Federal Application for Federal Student Aid. For this reason, some programs

are beginning their second year this fall, while others are still in the process of starting classes.

Conclusion

As the Second Chance Pell Pilot Program begins its second year, the same debates that were present when the federal government began offering Pell Grants for prisoners are alive today. This brief is intended to serve as a primer. A future report will

take a more substantive dive into the composition of the prison population served through this program, the full benefits of providing education to the incarcerated, and a discussion of the program's national policy implications as it moves forward. While many questions remain surrounding the program today, understanding its origins and long-standing history are crucial for recognizing its purpose, politics, and prospects for success in the future.

Appendix

Table A1. Selected Second Chance Pell Pilot Program Sites

State	Site
Alabama	Auburn, Alabama—The Alabama Prison Arts + Education Project Calhoun Community College Ingram State Technical University
Arkansas	Arkansas State University—Newport Shorter College
California	 California State University—Los Angeles Chaffey College Columbia College Cuesta College Southwestern Community College
Connecticut	Asnuntuck Community College Three Rivers Community College Quinebaug Valley Community College Middlesex Community College
Florida	Florida Gateway College
Illinois	North Park University Roosevelt University
Indiana	Holy Cross College at Notre Dame— Westville Education Initiative
lowa	lowa Central Community College
Maine	University of Maine—Augusta
Maryland	Anne Arundel Community College Goucher College—Prison Education Partnership University of Baltimore Wor-Wic Community College
Massachusetts	Mount Wachusett Community College
Michigan	Delta College Jackson College—Prison Education Initiative Mott Community College
Minnesota	Fond du Lac Tribal and Community College Pine Technical and Community College South Central College
Nebraska	Metropolitan Community College
New Jersey	Rutgers University Raritan Valley Community College

State	Site
New York	Bard College—Bard Prison Initiative City University of New York—John Jay College of Criminal Justice, Hostos Community College, and LaGuardia Community College Marymount Manhattan College— Bedford Hills College Program Mercy College North Country Community College Nyack College
Ohio	Ashland University
Oklahoma	Connors State College Langston University Tulsa Community College
Oregon	Chemeketa Community College
Pennsylvania	Bloomsburg University of Pennsylvania Lehigh Carbon Community College Indiana University of Pennsylvania Villanova University
South Carolina	Northeastern Technical College
Texas	Alvin Community College Cedar Valley College Clarendon College Lamar State College—Port Arthur Lee College Mountain View College Southwest Texas Junior College University of Houston—Clear Lake Wiley College
Vermont	Bennington College—Prison Education Initiative
Virginia	Danville Community College Rappahannock Community College
Washington	Centralia College Seattle Central Community College Tacoma Community College
West Virginia	Glenville State College
Wisconsin	Milwaukee Area Technical College

Source: Authors.

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Notes

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