

ASHE-NITE Paper Series

# EXPANDING QUALITY HIGHER EDUCATION FOR CURRENTLY AND FORMERLY INCARCERATED PEOPLE: COMMITTING TO EQUITY AND PROTECTING AGAINST EXPLOITATION

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## ABOUT THE SERIES

With support from Lumina Foundation, the Association for the Study of Higher Education and the National Institute for Transformation and Equity are excited to launch a collection of national papers on critical underserved populations in postsecondary education. The series is one of four initiatives under the leadership of the 2017-2018 ASHE President, Dr. Lori Patton Davis.

The overarching aim of the papers is to synthesize existing knowledge about how to create inclusive and equitable campus environments for underserved populations, and provide recommendations for higher education research, policy, and practice.

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Seen on the cover: students in the University of Utah Prison Education Project participate in a course during summer 2018 at the Utah State Prison in Draper, UT. All individuals provided consent for the photo to be used in this report.

# EXECUTIVE SUMMARY

This report examines literature on access to and completion of higher education for incarcerated and formerly incarcerated college students, who are often referred to as justice or systems involved individuals or individuals with prior criminal histories. The 2.3 million people behind bars in the U.S. are almost entirely denied access to quality higher education. It is imperative to increase the numbers of regionally accredited non-profit institutions partnering with prisons to increase access to quality postsecondary education and ensure opportunities made available to incarcerated students are of high quality.

Institutions of higher education must meet two objectives to create inclusive and equitable campus environments for currently and formerly incarcerated students. First, faculty, staff, institutional leaders and board members must consider incarcerated people as potential college students, worthy of investment and capable of great achievement. In this regard, incarcerated people are students and not prisoners. Second, colleges and universities must see higher education in prison as part of the mission of the institution by allocating resources and integrating the prison program into the academic culture of the university. Meeting these two goals will ensure that students enrolled at satellite or extension prison campuses are provided intellectually invigorating pathways and given the tools necessary to be successful.

At present, only approximately 210 colleges and universities provide credit-bearing higher education in prison. Little is known about the specifics and quality of the programs because reliable data on incarcerated and formerly incarcerated people in higher education do not exist. Concerned with equity and inclusion, this report calls upon institutions of higher education to proactively recruit, matriculate, and facilitate the success of incarcerated and formerly incarcerated people. It emphasizes increasing access and completion by highlighting five challenges in need of urgent attention by higher education leaders and personnel, policymakers, and stakeholders, and provides recommendations regarding how colleges and universities can address these challenges.

**Challenge 1: Too few non-profit regionally accredited institutions provide credit-bearing and transferrable postsecondary courses inside prisons.** Approximately 2.3 million incarcerated people are extremely limited in their ability to access quality higher education. In 2018, it is estimated that only approximately 210 regionally or nationally accredited colleges and universities provide credit-bearing higher education in adult prisons. The quality of higher education in prison is largely unknown and questionable providers of higher education (i.e., degree and accreditation mills) are omnipresent within prisons and jails.

**Recommendation 1:** Regionally accredited non-profit colleges and universities should provide transferrable, stackable, and intellectually stimulating coursework and pathways for incarcerated people<sup>1</sup>. Their efforts should be of the highest quality and reflect best practices in the field. Questionable providers of higher education in prison should be forbidden.

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<sup>1</sup> A stackable credential is one that includes courses required for an associate degree. Stackable credentialing reduces students' need to retake coursework to meet degree requirements and in theory, "enable students to complete a degree by building toward it in increments" (Harmon, 2018).

**Challenge 2: Considering the primary desired outcome of higher education in prison recidivism reduction undermines educational equity.** Research documents a strong relationship between access to higher education in prison and reduced recidivism, the rate at which someone is sent back to prison. Yet, rates of reimprisonment are impacted by various factors. If reducing recidivism is the primary reason to provide prison-based higher education, then programs are compelled to enroll individuals who they predict not to return to prison, with short-term sentences, and who do not need college preparation coursework.

*Recommendation 2:* Colleges and universities should provide prison-based higher education in alignment with their missions. Length of sentence, predictive “risk” of reimprisonment, and whether a student needs college preparation should not factor in admissions decisions. Campuses should also advance research to examine the nuanced relationship between college in prison and post-release outcomes.

**Challenge 3: Through the use of prior criminal history screening questions, colleges and universities discriminate against applicants with prior criminal histories.** The use of prior criminal history screenings in college admissions practices discourages applicants with justice involvement from completing applications. Individuals with prior criminal histories are not afforded legal protections under Title VII of the Civil Rights Act, and institutions can deny admission to applicants because of their previous involvement with criminal systems. These practices disproportionately and negatively impact applicants of Color.

*Recommendation 3:* Colleges and universities should remove prior criminal history screening questions from initial application processes, review current admission policies and practices that may specifically disadvantage and discourage applicants of Color, and add prior criminal history and conviction to university equity and inclusion statements.

**Challenge 4: Federal student aid restrictions and lack of federal and state funding supports are significant barriers in accessing and broadening participation in quality higher education for incarcerated and formerly incarcerated people.** The lack of federal and state funding mechanisms to support in-prison higher education is a serious detriment to expanding access and participation, as is conviction-related restrictions for student aid. While great attention is currently being paid to Pell grant eligibility for incarcerated people, federal student aid is only one component of a funding portfolio that must include state, federal, and institutional grants as well as serious protections for incarcerated students against substandard programming. Because federal student aid funding mechanisms are tied to individual students, colleges and universities may be incentivized to enroll more individuals with no oversight regarding quality.

*Recommendation 4:* Colleges and universities should advocate for sustainable funding streams to expand access to quality higher education for currently and formerly incarcerated people. Advocacy may include full reinstatement of Pell grant eligibility, but only with clear quality standards and student protections. Such protections should ensure that funding is detached from the amount of credits enrolled, length of sentence, and type of conviction.

**Challenge 5: Contemporary practices in higher education regarding currently and formerly incarcerated people exacerbate systemic inequality and hinder equity efforts.** Individuals with incarceration histories face great stigma and discrimination in higher education, which carries negative consequences for students. Many public institutions are unable to employ individuals with



felony convictions as staff, faculty, or as graduate assistants, restricting student opportunities in the areas of employment, internships, assistantships, and scholarships. The same underserved communities overtargeted for incarceration remain underrepresented throughout U.S. higher education.

**Recommendation 5:** Colleges and universities should proactively recruit, matriculate, and graduate students experiencing incarceration and with incarceration and systems involvement histories. They should work collaboratively with re-entry organizations to make higher education a key component of reintegration post-incarceration. Colleges and universities should review current policies and practices that may disadvantage students with prior criminal histories in enrollment, employment, and access to opportunities afforded to all students, and support the creation and expansion of student support systems.

### Implications for Research, Policy & Practice

Given the nexus of race/ethnicity, socioeconomic status, and educational attainment with imprisonment, institutions of higher education committed to equity must recognize formerly incarcerated and systems impacted people as potential college students. Colleges and universities have an opportunity to embody their missions by investing in the potential of people directly impacted by mass punishment. We provide implications for research, policy, and practice that center the dignity and humanity of currently and formerly incarcerated people:

**Research:** Reliable data are needed at the national, state, and local program level to document and track student characteristics, enrollment/completion, and if possible, post-graduation outcomes. Great attention should also be paid to issues of ethics and coercion in research. Scholars should use anti-oppressive research paradigms when working with, on behalf of, and in service to postsecondary education programs in prison. Specifically, we recommend research on the following:

- Quality of higher education in prison and prison-university partnerships.
- Educational outcomes and impact of higher education during and post-incarceration.
- The influence of ‘ban the box’ initiatives in higher education admissions and employment.
- Rich and contextually appropriate evaluation of in-prison higher education
- The risks of disclosure faced by students with incarceration histories.
- How degree and accreditation mills and questionable providers of higher education function within prisons and jails.
- How higher education in prison programs are funded.
- Nuanced analysis of the impact of and student experiences with various modes of higher education in prison (e.g., tablet-based, online, and in-person).

**Policy:** Current federal, state, local, and institution policies should be examined to determine their potential impact on incarcerated and formerly incarcerated college students. Specifically:

- Fully restoring Pell grant eligibility for incarcerated people should only happen alongside quality guardrails for curriculum and protections for incarcerated students against exploitation by all institutions that either seek to make a profit off of student aid or invest in in-prison programming because of the money.
- Individuals with incarceration histories should be added as a protected class at the college/

university in an effort to mitigate the discrimination faced by students (and all people who work for a university) in admissions, campus employment, and engagement.

- Sustainable funding mechanisms should be allocated to support regionally accredited institutions in providing quality, transferrable, and stackable higher education pathways for incarcerated people.
- Diploma and accreditation mills should be prohibited from receiving state, federal, and related forms of aid.
- Awareness campaigns for both prison education staff and students that describe the differences among different types of colleges and universities.
- Federal student aid should freeze interest rates for incarcerated individuals with student loans and adjust for inflation upon release.
- Proprietary institutions (and those that act like them) and those that are or have been under investigation for student aid fraud should be prohibited from receiving state, federal, and related forms of aid.
- The Integrated Postsecondary Education Data System should include information about how to report incarcerated people on their FAQ and eventually move toward treating this population similarly to comparably enrolled student populations (e.g., dual-enrolled students).

**Practice:** Greater awareness raising and training are needed among campus administration, faculty, and staff to equitably serve incarcerated and formerly incarcerated people. People directly impacted by incarceration and punishment systems should be involved and at the center of this work. Specifically:

- Campus administration should review policies related to all hiring of people with incarceration and criminal histories.
- Courses and pedagogy for in-prison programs should mirror those offered on the non-carceral or main campuses in terms of quality, expectations, and rigor, and faculty and staff who teach in prisons should meet the minimum expectation to teach on the non-carceral or main campus.
- Admissions applications should be made available off-line so that incarcerated people can access them without the Internet.
- Fees associated with sending transcripts should be waived for people in prison.
- College and university admission staff should actively recruit individuals with incarceration and criminal histories.
- University administration should review current policies and practices regarding admissions, scholarships, and internships for people who disclose incarceration and criminal histories.
- Incarcerated students who are enrolled in in-prison programs should be provided all of the supports that students on the non-carceral campus are provided, such as academic advising, wellness and mental health support, writing centers, and tutoring.
- College and university libraries, including academic databases, should be made available to currently incarcerated students.

# INTRODUCTION

Only a small but growing number of colleges and universities provide prison-based higher education. It is imperative that more regionally accredited non-profit institutions partner with prisons to provide meaningful credit-bearing transfer and degree completion opportunities. At the same time, greater attention must be paid toward the quality of opportunities made available to incarcerated college students. Approximately 2.3 million incarcerated individuals do not have access to higher education of any kind and, when they do, they are severely restricted in their ability to access *quality* postsecondary pathways (Castro, Hunter, Hardison, & Johnson-Ojeda, 2018).

Drawing from the Alliance for Higher Education in Prison (2017), this report assumes that *quality prison-based higher education* includes at least the following characteristics:

- Courses are instructed by faculty who meet or exceed the minimum teaching requirements of the affiliated institution of higher education;
- Instructors meet the requirements of the

Approximately 2.3 million incarcerated individuals do not have access to higher education of any kind and, when they do, they are severely restricted in their ability to access quality postsecondary pathways.

- individual higher education in prison program;
- Curricular content and rigor compare equally with courses taught on non-prison campuses;
- Program admission standards and admission processes meet the expectations of the university or college partner and/or accrediting body;
- Faculty and courses are evaluated and assessed utilizing knowledge of promising practices and college/university partner standards;
- Faculty and staff participate in regular professional development;
- The curriculum includes student support, advising, and resources to allow students full participation;
- Course engagement includes consistent face-to-face personal interactions among faculty and students.

Institutions of higher education must meet two objectives to create inclusive and equitable campus environments for currently and formerly incarcerated students. First, faculty, staff, institutional leaders and board members must consider incarcerated people as potential college students, worthy of investment and capable of great achievement. In this regard, incarcerated people are primarily students and *not* prisoners. Second, colleges and universities must see higher education in prison as part of the mission of the institution. Doing so requires allocating resources and integrating the prison program into the academic culture of the university. Colleges and universities cannot treat higher education in prison programs as mere service for faculty or as a platform to foster non-incarcerated service learning experiences. Meeting these two goals will ensure that students enrolled at satellite or extension prison campuses are provided intellectually invigorating pathways and given the tools necessary to be successful.

This report examines literature on access to and completion of higher education for incarcerated and formerly incarcerated college students, often referred to as *justice or systems involved individuals*, or individuals with prior crim-



inal histories. We highlight five challenges in need of urgent attention among higher education leaders and personnel, policymakers, and stakeholders. The report concludes with implications for policy, practice, and research, and provides recommendations to support the establishment and completion of meaningful and rigorous postsecondary pathways for currently and formerly incarcerated people.

## SETTING THE CONTEXT

In 2015, 1 in every 115 adults was incarcerated in the United States and 1 in every 53 were under some form of government supervision (Bureau of Justice Statistics, 2016). An estimated 1 in every 3 U.S. adults has been arrested by the age of 23 and has a criminal record (The Sentencing Project, 2015). Yet, not all communities share the burden of incarceration equally. Incarceration disproportionately and negatively impacts communities of Color, LGBTQ individuals, people with histories of mental illness or substance abuse, and communities denied access to quality education (Bonczar, 2003; Nellis, 2016; PEW, 2010; Stevenson, 2015).

The U.S. incarcerates more people than any other country in the history of the planet (Bureau of Justice Statistics, 2011, 2014, 2015). The footprint of the carceral state has grown over the last three decades. Existing political, ideological, and financial interests in the prisons and systems of punishment sustain deep investments in the perpetuation of prisons and other institutions of confinement (Davis, 2003). As a result, communities gripped by poverty are subject to disproportionate policing and are consequently overrepresented in jails and prisons (Gottschalk, 2015). Such concentrated policing and overuse of incarceration have exacerbated socio-economic, racial, and educational inequality.

The relationship between access to education and incarceration is striking. The overwhelming majority of people enter prison without a high school diploma or GED (PEW

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Charitable Trusts, 2010). Between 1970 and 2010, there was a 700%<sup>1</sup> increase in incarceration, which was concentrated among those with no formal college education (National Research Council, 2014). In addition, there is a dearth in postsecondary education opportunities made available inside prisons. At present, approximately only 5% of all Title IV funded colleges and universities in the U.S. provide in-prison higher education, and they typically only enlist a few dozen students among hundreds or thousands of incarcerated individuals per facility.

Prior to 1994, postsecondary education in prisons was a small but growing effort across the U.S. (Gehring, 1997; Page, 2004; Wright, 2001). In 1994, however, as incarceration rates continued to swell at unprecedented speed throughout the U.S., the Violent Crime Control and Law Enforcement Act (Pub.L. No 103-322) rescinded the ability of individuals to access Pell grants during incarceration. As a result, postsecondary education programming in prison plummeted. The contemporary scarcity of postsecondary educational opportunity in prison can be directly traced to this revocation of Pell grant eligibility, combined with a nationwide ideological and policy agenda that strategically targeted people of Color for incarceration. Programs that persisted post-1994 had important structures in place to withstand the financial loss of federal student aid, such as institutional buy-in and mission alignment, which will be key in growing sustainable prison-university partnerships in the future.

At present, it is near impossible to estimate the numbers of incarcerated individuals enrolled in postsecondary education. In 1993, there were approximately 38,000 students enrolled in postsecondary education (Li-

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<sup>1</sup> This figure was calculated after adjusting for inflation.

lis, 1994) and in-house college “programs” were offered in 39 of the 50 states (Bureau of Justice Statistics, 1994). What constitutes “program” and associated quality is largely unclear from the literature during this time period.

Today, it is difficult to accurately estimate the total numbers of incarcerated people accessing higher education because of lack of information, presence of unmonitored proprietary and correspondence-based programming in prisons, and absence of mandatory federal reporting of currently and formerly incarcerated students enrolled at Title IV eligible institutions. Consequently, reliable student-level data in the aggregate does not yet exist. The ability of institutions to collect such information is also challenging because, as discussed at length later in this report, asking applicants and enrolled students about prior criminal histories can have serious negative consequences for them. There are challenges to engaging empirical research in part because there are no systematic data collection mechanisms, and collecting student-level data is potentially unethical. Thus, there are barriers to fully understanding both the experiences of currently and formerly incarcerated college students and the factors that influence their access to and completion of higher education.

Nonetheless, empirical research on the effects of incarceration is accessible and striking (e.g., The National Research Council, 2014). The sociopolitical, economic, and communal effects of incarceration are long lasting for individuals, families, communities, and the broader society. Incarceration and

There are barriers to fully understanding both the experiences of currently and formerly incarcerated college students and the factors that influence their access to and completion of higher education.

From 1989-90 to 2012-13, state and local spending on corrections rose by 89 percent while state and local appropriations for higher education largely remained flat.

criminal justice histories pose a number of lifelong obstacles to individuals’ successful re-entry into society, including employment, housing, military service, holding public office, the right to bear arms or own guns, parental rights, travel, public social benefits, jury service, education, and voting, among associated undocumented and difficult-to-document challenges (The Sentencing Project, 2016). Incarceration also threatens national economic growth and democratic life.

The costs of incarceration are also intimately connected to the social and democratic purposes of higher education, including universities’ contributions to addressing social problems, fostering civic-mindedness and participation, innovating and creating new knowledge, protecting human rights, and distributing educational opportunity equitably. Consider the following incomplete list of the intergenerational effects of incarceration:

- *The economy suffers from incarceration.* In 2014, the nation lost the equivalent of 1.7 to 1.9 million workers because of imprisonment. The population of formerly incarcerated people and people with felony convictions are estimated to cost the U.S. \$78.1 to \$86.7 billion in lost economic output (Bucknor & Barber, 2016).
- *Incarceration is expensive.* The cost of incarceration for justice-involved individuals and the government is at least \$182 billion annually (Wagner & Rabuy, 2017). State prison and punishment costs quadrupled over the past two decades and now top \$50 billion a year, consuming 1 in every 15 general fund dollars (The Pew Charitable Trusts, 2010).
- *Poverty rates increase when incarceration rates in-*

crease. Using state-level data from 1980 to 2004, DeFina and Hannon (2013) found that growing incarceration significantly increased poverty. The official poverty rate would have fallen considerably, as much as 20%, if not for the rise of incarceration.

- *Children and families are negatively affected by incarceration.* One in every 28 children has an incarcerated parent. Children with fathers who have been incarcerated are significantly more likely to be suspended and expelled from school – 23% compared to 4%, respectively (The Pew Charitable Trusts, 2010). Moreover, 80% of women in jails are single mothers (Swavola, Riley, & Subramanian, 2016).
- *Women are the fastest growing prison population, with women of Color and lower-income women disproportionately represented.* The national population of women in jails ballooned from just under 8,000 in the 1970s to nearly 110,000 in 2014. Across the country, 64% of women in jails are women of Color (Swavola, Riley, & Subramanian, 2016).

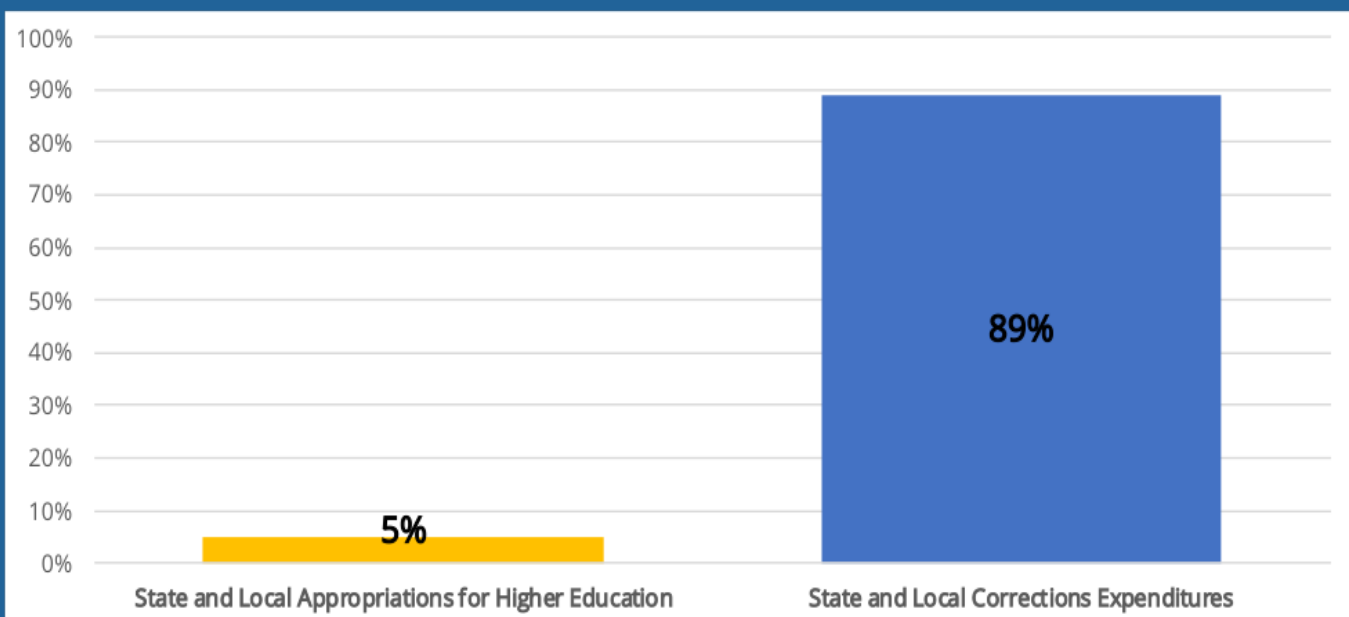
The equitable distribution of higher education to incarcerated and systems-impacted individuals during an era of mass incarceration is a social, moral, political, and economic imperative. Declining state investments in

public higher education coexist alongside ballooning budgets for incarceration, prisons, and jails. From 1989-90 to 2012-13, state and local spending on corrections rose by 89% while state and local appropriations for higher education largely remained flat (Morgan & Schak, 2016; see Figure 1). On average, state and local higher education funding per FTE (Full Time Equivalent) student fell by 28%, while per capita spending on corrections increased by 44% during this time period.

## DEFINING HIGHER EDUCATION IN PRISON

Higher education in prison has historically been defined differently than higher education outside of prison. Often referred to as “correctional education” or “postsecondary correctional education,” higher education in prison has long been conflated with an array of educational efforts provided inside prisons and jails – often called “correctional centers.” In-prison education ranges from high school or GED programming to adult basic education, vocational, career and technical offerings, avocational programs, among others. These offerings can be provided by accredited or non-accredited institutions, the prison itself, or a third party

Percentage change in state and local appropriations for higher education and state and local corrections current expenditures from 1989–90 to 2012–13



source: <https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf> This figure was calculated after adjusting for inflation.

contractor. Recent efforts have sought to define higher education in prison as distinct from these educational efforts in prisons and more aligned with the way higher education is defined in non-prison settings (Castro & Gould, 2018; Castro et al., 2018). These efforts are driven by the recognition that the definition of higher education should be consistent regardless of where it is provided so that quality can be assessed across various sites and platforms.

It is important to make clear distinctions between postsecondary education in prison and other types of education provided in prisons because federal funding, mandatory reporting, and accreditation all require adherence to definitional boundaries. The Alliance for Higher Education in Prison (Alliance, 2017) clearly defines higher education in prison for the field of practitioners and funders looking to support prison-based higher education as<sup>2</sup>:

- Courses provided to students who have earned a high school diploma, GED, or equivalent secondary credential;
- Instruction provided by accredited colleges and universities with public, private, or nonprofit status;
- Credit or not for credit coursework;
- Degree or non-degree granting pathways;
- Courses for college preparation;

In short, definitions are important because of issues of quality: incarcerated individuals

2 The Alliance is a national organization dedicated to supporting the expansion of quality higher education in prison, seeking to empower students in prison and after their release, and shaping public discussion about education and incarceration. The Alliance was founded after a multi-year stakeholder engagement process and years of gathering among practitioners, former students, advocates, higher education administrators, and others at the National Conference on Higher Education in Prison. The first national conference on higher education in prison was held at University Illinois at Urbana-Champaign in 2010 and has been hosted annually since. For more, see: <https://www.ncchep2018.org/>

are often subjected to a 'better than nothing' higher education and are at a great disadvantage in choosing postsecondary pathways because few opportunities exist. Incarcerated students are also at great risk for sub-standard educational opportunities and exploitation given their custody status.

## FACTORS INFLUENCING POSTSECONDARY ACCESS AND COMPLETION DURING AND AFTER INCARCERATION

Focusing on access to, broadening participation, and completion of quality postsecondary pathways, the following section outlines five current challenges in need of urgent attention from higher educational leaders and personnel, policymakers, and stakeholders.

### 1. Too few non-profit regionally accredited institutions provide high-quality, credit-bearing, transferrable, and stackable postsecondary options inside prisons.

At this point in time, it is rather difficult to answer the question: How many college-in-prison programs exist in the U.S.? However, we know that there are too few regionally accredited colleges and universities providing in-prison quality higher education. Currently, there are only approximately 210 colleges or universities affiliated with providing credit-bearing higher education in adult prisons in the U.S., excluding those housed in juvenile facilities (Castro et al., 2018). The 210 institutions differ by type, accreditation status, and geographical location, with the majority of institutions being two-year colleges. Knowing the numbers of institutions conferring credit for incarcerated students is an important first step, but it reveals little about the quality of such engagements.

Like higher education broadly, philosophies and missions among in-prison efforts are diverse and shape both the substance and quality of prison-university partnerships. Differences include, but are not limited to, the following:



Currently, there are only approximately 210 colleges or universities affiliated with providing credit-bearing higher education in adult prisons in the U.S.

- The scope of programming provided by colleges and universities varies, from comprehensive credit-bearing programs with full-time staff to non-credit-bearing efforts with volunteer staff;
- It is common to have individual faculty members providing courses, book clubs, and similar academic activities on their own time, which fall outside the scope of formal higher education unless students go through an admissions process that requires a high school diploma or equivalent credentials;
- Modes of engagement differ across in-prison efforts.

In addition, degrees of quality exist inside the prison. Many colleges and universities provide face-to-face in-person instruction at the prison, meaning that a non-incarcerated instructor travels into the prison to hold class. Other institutions may use broadcast, where incarcerated students can watch video lectures or classes, and incarcerated students do not have many or any opportunities to interact with the faculty of record. Blended modes of instruction that combine face-to-face with broadcast and/or online course management platforms are also present in prisons. Very few colleges and universities provide self-paced correspondence opportunities for incarcerated people and a small and growing number of institutions are using tablet-based platforms in the prison, models that raise serious questions about quality.

The issue of quality in prison-based higher education should be at the forefront of all discussions regarding access. A *quality* higher education in prison can be described as meeting, at minimum, the following criteria,

taken verbatim from the Alliance (2017):

- Courses are instructed by faculty who meet the minimum teaching requirements of the affiliated institution of higher education;
- Instructors additionally meet the requirements of the individual higher education in prison program;
- Curriculum content and rigor compare equally with courses taught on traditional campuses;
- Program admission standards and admission process meet the expectations of the university or college partner;
- Faculty and courses are evaluated and assessed according to higher educational best practices and college or university partner standards;
- Faculty and staff participate in regular professional development;
- Curriculum includes student support, advising, and resources to allow students full participation;
- Course delivery includes face-to-face interactions among faculty and students

Issues of transferability and stackability are of great importance to incarcerated people. A few states have taken steps to align prison-based coursework with attention to credit transfer and stackable credentials. For example, California community colleges provide incarcerated people with the opportunity to earn an Associates Degree of Transfer (ADT). This degree transfers to any public institution in the state, meaning that individuals can begin their studies as well as finish their degree in or outside of prison. Importantly, because the ADT is transferable, individuals are able to use the degree toward a bachelor's degree and then pursue graduation and professional education. As another example, the Tennessee Higher Education Initiative also provides credits, certificates, and degrees inside prison that are transferrable to any Tennessee Board of Regents college or university.

Research shows that some states only provide noncredit Career and Technical Education (CTE) and apprenticeships (Davis,



Tolbert, & Mizel, 2017). For example, North Carolina funds degree-granting pathways in its state prisons, but state law limits what is made available to incarcerated people to programs that result in a terminal Associate of Applied Science (AAS) degree. In Washington State, Senate Bill 5069 passed in 2017 and allocates state funds “to implement associate degree education programs at state correctional institutions to provide inmates with an associate workforce degree designed to prepare the inmate to enter the workforce” (Senate Bill Report, 2017, p. 1). Such state funding to support robust college pathways inside prisons is positive. Yet, we should be cautious when restrictions are put in place that prevent incarcerated people from accessing diverse forms of higher education and advanced pathways. Moreover, because of restrictions placed upon individuals with felony convictions in some states, formerly incarcerated individuals with CTE credentials may be denied licensure and employment opportunities in the very field in which they were trained.

It’s important to keep in mind that, among institutions providing credit-bearing coursework in prison, enrolled students constitute only a small fraction of the overall prison population. Colleges and universities must work to expand access by providing or seriously supporting college preparation programs – and state and federal policies should support their efforts.

## **2. Considering recidivism reduction the primary desired outcome of higher education in prison undermines educational equity.**

Research indicates that access to postsecondary education during incarceration provides a multitude of benefits, including those for students, communities, and the broader society. Incarcerated students who participate in postsecondary education report experiences with increased knowledge and critical thinking, greater ability to think through and solve problems, and heightened curiosity and desire for more education (Castro, Brawn, Graves, Mayorga, Page, & Slater, 2015; Castro & Brawn, 2017; Ginsburg, 2014;

Lewen, 2014). Some students engaged in higher education programs while incarcerated share experiences with personal transformation (e.g., Pinkert, Brawn, Cabrales, & Donatelli, 2013), and some students who are able to participate in and form peer-to-peer and collaborative programs report heightened awareness and commitments to issues of equity and social justice (e.g., Frieitez, 2015). Formerly incarcerated students describe their experiences with postsecondary education in prison in similarly meaningful ways, with many crediting their ability to access higher education as an essential component of transitioning to life out of prison (Fine, et al, 2001). In addition to the important benefits provided to students, postsecondary education programs in prison positively impact children, families, and communities of incarcerated and formerly incarcerated people. Such programs have also been found to decrease overall incarceration costs (Westervelt, 2015), improve post-release employment opportunities (Brown, 2015), and promote a more positive prison environment (Fine et al., 2001).

Despite the varied and powerful impacts of higher education for all people, reduced chances of reimprisonment are often cited as the dominant reason to provide prison-based higher education (e.g., Coley & Barton, 2006; Davis, Steele, Bozick, Williams, Turner, Miles, Saunders, & Steinberg, 2014; Erisman & Contardo, 2005, 2013). National recidivism rates currently exceed 67.5% (Du-

Pressures to show return on investment by reduced rates of recidivism has meant that some college-in-prison programs craft admission criteria that favor individuals who are likely to be successful.

rose, Cooper, & Snyder, 2014). Almost three-quarters of individuals released from prison will return to prison, with the majority of individuals returning within the first year of release. And, in 2018, the RAND Corporation reviewed existing research and found a relationship between access to “correctional” education during incarceration and overall recidivism rates – the rate at which someone is sent back to prison. Their meta-analysis of 37 years of research, comprising a total of 57 studies, found that that individuals “participating in correctional education programs were 28% less likely to recidivate” when compared with individuals who did not participate in those programs (Bozick, Steele, Davis, & Turner, 2018, p. 390). The emphasis on the likelihood of reduced recidivism is perhaps unsurprising in an environment where recidivism rates are extraordinary.

While reducing recidivism is important, recidivism rates are the result of a complex set of social arrangements. Swelling incarceration rates are the result of a collection of social policy mechanisms that funnel certain communities into criminal systems. Consequently, broader policy agendas can position formerly incarcerated people in disadvantageous ways, making efforts at re-entry and reintegration difficult. Moreover, if reduced recidivism is the primary goal of higher education in prison, then the provision of prison-based higher education only makes sense because the individuals inside are considered criminals (Castro et al., 2015). As Castro et al. argued, “Even amid higher education’s best intentions, reduced recidivism as a rationale for access does not allow formerly incarcerated people to be seen as people, but only as criminals: former criminals, reformed criminals, relapsed criminals, but always, criminals” (p. 28). Similarly, rates of reimprisonment are impacted by differential policing practices that disadvantage communities of Color and are contingent upon many factors including probation and parole activities. This may mean that recidivism as a metric is both limiting and racially biased (Butts & Schiraldi, 2018; Castro, 2018; Mauer & King, 2007).

One of the most detrimental practices to making college campuses possible for individuals with criminal systems involvement histories is bias within the admissions process.

Moreover, pressures to show return on investment by reduced rates of recidivism has meant that some college-in-prison programs craft admission criteria that favor individuals who are likely to be successful. Some programs are pressured to admit only individuals who they predict to be successful, and therefore do not provide college preparation pathways and related introductory classes. Pressure for college-in-prison programs to make data available quickly to show success via reduced recidivism rates has also influenced admissions decisions, disadvantaging people with longer sentences (e.g., more than five years). It is common practice among prisons in the U.S. to deny individuals with long-term or life sentences programming. College-in-prison programs should reverse this trend and proactively serve individuals with long-term and life sentences. In sum, the pressures to demonstrate impact via reduced rates of recidivism can threaten educational equity because colleges and universities are incentivized to serve students who are likely to be successful in both the program and post-release outcomes.

### **3. Through the use of prior criminal history screening questions, colleges and universities discriminate against applicants with prior criminal histories and disadvantage applicants of Color.**

One of the most detrimental practices to making college campuses possible for individuals with criminal systems involvement histories is bias within the admissions process. Over the past decade, colleges and universities have increasingly included criminal

history screenings and related exclusionary practices in their admissions processes. Yet, there is virtually no empirical evidence to suggest that students with criminal records pose greater risks to campus safety, nor that excluding them from enrollment makes campuses safer. Nonetheless, in an effort to mitigate potential liability and increase campus safety, institutions of higher education have increasingly adopted practices that require applicants to disclose prior criminal histories as part of the admissions process. But the landscape is changing thanks in large part to local, state, and nationwide calls to address discrimination in undergraduate and graduate admissions (e.g., see: Castro, Ginsburg, & Howard, 2017; Center for Community Alternative, 2015; Scott-Clayton, 2017; Schatz et al., 2018; U.S. Department of Education, 2016; Weissman, et al., 2010).

In 2010, the Center for Community Alternatives (CCA) partnered with the American Association of Collegiate Registrars and Admissions Officers (AACRAO) to conduct a national survey and examine the inclusion of systems involvement screening questions during the admission process and how colleges and universities were using such information. The report revealed that 66% of the responding colleges and universities (a total of 273) collected prior criminal history background information in their admissions processes. Their findings are consistent with the most recent survey to date, including 300 institutions and indicating that 60-80% of private institutions ask prior criminal history questions, 55% of four-year institutions ask, and 40% of community colleges ask such questions (Pierce, Runyan, & Bangdiwala, 2014). In a previous survey of admissions' leaders, Pierce et al. (2014) found that respondents cited many reasons for obtaining prior criminal history information during the admissions process, with reducing violence most frequently cited as "very important." Among respondents in Pierce et al.'s (2014) research, 35% of institutions denied admission or enrollment in fall 2010 to at least one individual based on information gleaned during criminal history screening.

While little research on prejudice in the admissions process for individuals with prior criminal systems involvement exists, six prominent issues in current literature warrant urgent attention:

- *Individuals with criminal systems involvement do not finish the admission application.* Almost two out of every three applicants who check "yes" to the felony conviction question do not complete the application process (CCA, 2015). Consequently, the median felony application attrition rate of 62.5% is three times higher than the median general application attrition rate of 21%. This means that a large majority of potential applications are never considered for admission.
- *The use of information about prior conviction history during admissions processes, and who has access to this information, is unclear* (Custer, 2013; Pierce et al., 2014). Among the 60% of colleges that considered applicants' criminal histories in admissions decisions, only half of those colleges had formal policies regarding information use, and only 38% of admissions staff received training on interpreting criminal records (CCA, 2010).
- *Criminal history screening questions are not effective or adequate in predicting which students will engage in criminal misconduct during enrollment* (Runyan, Pierce, Shankar, & Bangdiwala, 2013). Only about 3% of students who engaged in misconduct on campus during enrollment report criminal histories during the admissions process (Runyan et al., 2013).
- *The legality of criminal history screening processes is unclear.* Civil rights laws do not provide any special protection for people with criminal records – thus, they are not a protected class and can be denied or revoked admission because of their criminal record.
- *People of Color are disproportionately disadvantaged by criminal screening practices.* Criminal history screening policies and procedures have disparate impacts on African American applicants (CCA, 2015). Moreover, colleges and universities that receive federal funding may be vulnerable to race based disparate impacts claim under Title VI of the Civil Rights Act if they use records

of applicants' criminal histories to inform admissions decisions (Ramaswamy, 2015).

- *Eliminating questions about criminal history from applications might cause unintended consequences for applicants of Color.* Specifically, removing criminal history information could increase discrimination against demographic groups that include (or are perceived to include) more individuals with prior criminal histories (Doleac & Hansen, 2018).

Overall, the use of prior criminal history screening in collegiate admissions is not an evidence-based practice and much more information is needed to understand how pro-

One of the most detrimental practices to making college campuses possible for individuals with criminal systems involvement histories is bias within the admissions process.

cesses work and their overall impact. The New York Bar Association (NYBA) Special Committee on Re-Entry (2016) cautioned against including prior criminal history screening questions in admissions because of the collateral consequences to successful re-entry and reintegration, stating that, "Ironically, in the name of campus safety, college admissions officers are adopting policies that threaten to make the community at large less safe (p. 55). Similarly, Barmak Nassirian (2016), current Director of Policy Analysis with the American Association of State Colleges and Universities, stated that, "This question doesn't belong on the college-admissions form any more than questions about the weather belong there" (Lantigua-Williams, 2016).

In 2016, the U.S. Department of Education released the report titled, *Beyond the Box: Ac-*

*cess to Higher Education for Justice-Involved Individuals* as part of their broader Ban the Box campaign, a joint effort among the Departments of Education and Labor under the Obama administration. The White House designed The Fair Chance Higher Education Pledge, which was a call-to-action for colleges and universities to "improve their communities by eliminating unnecessary barriers for those with a criminal record" and create a pathway for a second chance (para 2). In February 2018, eighteen U.S. senators authored a letter to a number of prominent higher education leaders urging them to reconsider including criminal justice involvement criteria in college admissions processes. The letter highlights the states of Louisiana and Maryland as the first to enact "ban the box" legislation that eliminates prior criminal history questions from the admission process at public postsecondary institutions. In May 2018, the president of the Association of American Colleges and Universities responded (Pasquerella, 2018) to the open letter, asking member campuses to review admissions practices related to students' criminal justice involvement and to promote discussion about "ban the box" initiatives. She added, "We encourage higher education leaders, staff, faculty, and students to strive for the boldest vision of inclusive excellence possible, and to create communities of practice where all students can realize their American Dreams" (para 5). On August 1, 2018, the Common Application announced that it would be removing the collection of criminal history information on the common portion of the application, a reversal of its stance from a year prior (Jaschik, 2017; 2018). Member institutions can still collect criminal history information as part of their individual member screens. In July 2018, the American Association of Collegiate Registrars and Admissions Officers (AACROA), a leading organization in collegiate admissions, responded to this national conversation by assembling a working group to address calls for the removal of prior criminal history questions from admissions processes.

#### **4. Federal student aid restrictions and lack of funding are significant barriers to access**



## to higher education for incarcerated and formerly incarcerated people.

The lack of federal and state funding to support in-prison higher education is a serious detriment to expanding access to incarcerated populations. There is ample evidence of the positive impact of Pell grant funding on the numbers of postsecondary education in prison programs. By the 1970s, expanded higher education in prisons was almost entirely driven by access to Pell grants (Gehring, 1997; Page, 2004; Scott, 2015; Wright, 2001; Yates & Lakes, 2010), which served as the sole source of funding for community college programs (Scott, 2015). Access to Pell funding was “probably the single most important influence on the growth of prison higher education throughout the 1970s and 1980s” (Wright, 2001, p. 14). While Pell grant funding was instrumental in making postsecondary education available in prisons in the 1970s and 1980s, opportunity was never widely distributed to incarcerated people and we simply do not know much about the quality of these engagements. A decade later in 1993, it is estimated that approximately 38,000 incarcerated people were enrolled in postsecondary coursework, a fraction of the growing prison population at the time, and 73% of those students used Pell grants to pay for college (Lillis, 1994). While attention is currently being paid to Pell grant eligibility for incarcerated people, federal student aid is only one component necessary funding.

Incarcerated people must be protected against predatory institutions who stand to make a profit from a population with new federal student aid eligibility. At the same time, institutions who do not hold for-profit status but act like it (e.g., only enrolling incarcerated students who are eligible for Pell and denying those who are ineligible in the same facility) must be prohibited from accessing federal student aid dollars. Proprietary institutions who are or who have been under federal investigation for student aid fraud should be barred from receiving incarcerated student aid dollars.

Eligibility for and likelihood of receiving federal student aid can be negatively affected by incarceration history and previous criminal convictions (U.S. Department of Education, 2014). During incarceration, the prison facility also affects an individual’s ability to access federal student aid. Currently, adults incarcerated in federal or state prisons are unable to receive federal Pell grants or federal student loans. However, adults incarcerated in other institutions, such as juvenile detention centers or jails, are eligible to receive federal Pell grants but not federal loans. All incarcerated individuals are eligible to receive Federal Supplemental Education Opportunity Grants (FSEOG) and Federal Work Study (FWS), but it is highly unlikely that they will access these resources because schools are limited in the amount of FSEOG funds available and the logistical difficulties of performing an FWS job during incarceration.

Adults incarcerated in state or federal prisons are unlikely to receive FSEOG funding as well, because priority is given to individuals who will receive the Pell grant. Restrictions on federal financial aid in the form of Pell grants for incarcerated people were put in place almost 25 years ago. In 1994, the Violent Crime Control and Law Enforcement Act (Pub. L. No. 103-322) revoked Pell grant eligibility for postsecondary students in prisons, despite its stated intent in reforming criminal systems. Buried deep within the legislation is specific language amending the 1965 Higher Education Act that reads: “No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution” (Pub.L. 89-329). When access to Pell grants disappeared, so too did the small but growing number of in-prison postsecondary programs.

In addition to facing obstacles to federal student aid during incarceration, individuals also can lose eligibility depending on the type of conviction and when it occurred. For example, individuals who have been convicted of a forcible or nonforcible sexual offense and are subject to an involuntary



civil commitment after the completion of incarceration (admission into a mental health unit against their will) are ineligible to receive federal Pell grants (U.S. Department of Education, 2014). In addition, students who are convicted of drug-related offenses may be suspended if the offense occurred while the student was receiving federal student aid. Incarceration also poses problems for individuals who accessed federal financial aid before imprisonment. Individuals who have student loans can go into default upon imprisonment unless someone can pay the debt, making it difficult to secure loans after incarceration or qualify for federal grant experiments such as the Second Chance Pell Pilot Program. Initiated in 2016, the Second Chance Pell Pilot Program selected participating institutions through a competitive process and temporarily lifts the restriction on Pell eligibility for enrolled incarcerated students who are otherwise eligible to receive federal student aid.

Denying financial aid eligibility to currently incarcerated people has negative consequences on access and completion. At 4-year degree-granting postsecondary institutions, 86% of first-time, full-time degree- or certificate-seeking undergraduate students were awarded financial aid in academic year 2014–15 (NCES, 2017). It is estimated that at least 1,000 students each year lose full or partial access to Title IV aid because of a drug-related conviction (Kreighbaum, 2018), but this number is likely only a fraction of the actual numbers given the students who never apply for aid because they do not expect to qualify for it. Restrictions to federal student aid regarding drug convictions were added to the reauthorization of the Higher Education Act under the Bush administration and after the restrictions took effect, tens of thousands of students began losing access to federal student aid. In 2005, the U.S. Government Accountability Office found that in the 2003–04 academic year, more than 41,000 FAFSA applicants were ineligible for aid because of drug-related offenses. Of those, 29,000 would otherwise have been eligible for federal student loans and 18,000 would have been eligible for Pell

grants. Using these data and Department of Education data on applicants that received assistance for the academic years 2001–2002 through 2003–2004, the GAO estimated that between 17,000 and 20,000 applicants per year would have been denied Pell grants, and between 29,000 and 41,000 would have been denied student loans if the applicants who self-certified to a disqualifying drug offense were eligible to receive the benefits in the same proportion as the other applicants. Given the detrimental effects of these restrictions, organizations such as the Institute for Higher Education Policy (2018) and grass roots student groups like Students for Sensible Drug Policy (n.d.) are calling for the removal of question number 23 on the Free Application for Federal Student Aid (FAFSA) that asks: “Have you been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid?”

The Second Chance Pell Pilot Program, an Experimental Sites Initiative through the U.S. Department of Education, is a promising development to fully reinstating Pell grant eligibility for currently incarcerated people. However, there is currently too little discussion regarding quality and protections against exploitation for incarcerated students. Consistent with the historical relationship between access to Pell funding and credit-bearing opportunities made available inside prisons, the total number of institutions providing credit-bearing coursework to incarcerated people is greatly influenced by the implementation of the Pilot Program. Approximately one-third of all institutions providing credit-bearing higher education in prison are funded at least in part through

Incarcerated people must be protected against predatory institutions who stand to make a profit from a population with new federal student aid eligibility.

the initiative (Castro, Hunter, Hardison, Johnson-Ojeda, & Suzuki, 2018). However, it is important to note that Pell does not fully cover costs of programs for Second Chance Pell Sites (Davis, 2017), and without immediate guardrails put in place for quality, incarcerated students may be further subjected to sub-par academic experiences and exploitation.

### **5. Contemporary practices in higher education regarding currently and formerly incarcerated people exacerbate systemic inequality and hinder equity.**

Individuals with incarceration histories face great stigma and discrimination in higher education. Many public institutions are unable to employ individuals with felony convictions as staff, faculty or as graduate/research assistants, restricting student opportunities in the areas of employment, internships, assistantships, and scholarships. Communities of Color, lower-income communities, LGBTQ individuals, people with histories of mental illness and/or substance abuse, and communities who lack access to quality education are disproportionately affected by incarceration. These same communities remain underrepresented throughout higher education.

There is very little research documenting the experiences of incarcerated and formerly incarcerated college students. The dearth of empirical knowledge makes sense given the ethical and logistical challenges of researching with incarcerated populations and the politics of disclosure with which formerly incarcerated people are burdened. Collaborative and co-authored literature by incarcerated and non-incarcerated instructors provide some insight into experiences with stigma, with students reporting experiences with higher education that combat stigmatization caused by incarceration (Castro & Brawn, 2017; Davis III, 2018; Evans, 2018). One recent study found that while prior incarceration negatively influences self-stigma, participation in higher education counteracts that stigma through enhanced feelings of empowerment and motivation to resist the

negative effects associated with prior imprisonment (Evans, Pelletier, & Szkola, 2018). That same study found that higher education encourages a critical perspective on behalf of participants that can challenge the stigma of criminal labels - key to facilitating successful re-entry and reintegration. The very few exploratory qualitative studies examining the experiences of post-incarcerated college students also indicate that feelings of stigmatization are prevalent, especially those attached to labels such as “convict” or “felon” (McTier, Jr, Santa-Ramirez, & McGuire, 2017; Strayhorn, Johnson, & Barrett, 2013). For formerly incarcerated college students of Color, they can face amplified stigmatization as they endure racism and racial microaggressions on campus (Giraldo, Huerta, & Solyrzano, 2018). Similarly, although currently absent in the literature on higher education specifically, formerly incarcerated women and women of Color can face complicated and unfair stigmatization related to gender, sex, and parenting - with many confronting intense stigma as “bad mothers” (Aiello & McQueeney, 2016).

In addition to the challenges that many college students experience, formerly incarcerated students must also navigate the stipulations of probation, parole, and/or others forms of mandatory state supervision while pursuing higher education. Requirements of state supervision can make pursuing higher education upon release difficult if not impossible for most people. Because many public colleges and universities are unable to employ individuals with felony convictions as staff or faculty (Ross, Jones, Lenza, & Richards, 2016), there are few opportunities for formerly incarcerated college students to connect with campus personnel who may share similar experiences to their own. Moreover, because formerly incarcerated college students are not currently included in campus inclusion and equity efforts, college and university staff are likely unfamiliar with how to assist students or are unfamiliar with resources available to them. For some academic majors, it is imperative that students disclose their previous criminal histories and as a result, there may be

a significant amount of people on campus who know their stories. Consequently, bias against students with incarceration histories can work against students in areas of scholarships, internships, and employment, an effect that is exacerbated for individuals of Color (e.g., Decker, Ortiz, Spohn, Hedberg, 2015).

Some campus groups are helping to mitigate the effects of stigma and discrimination on campus as well as cultivate healthy campus climates for individuals with prior criminal histories. Two examples of such groups come out of California: Project Rebound and Berkeley Underground Scholars. A formerly incarcerated individual, John Irwin, who became a sociology professor at San Francisco State University, founded Project Rebound in 1967 to help those released from the prison system. In 2018, California State Fullerton created what is believed to be the nation's first residential unit to provide housing and support services specifically for formerly incarcerated university students. The John Irwin Memorial House in north Orange County is a five-bedroom 2.5-bathroom house with an on-site housing coordinator and life coach. Project Rebound residents can receive wraparound services, including academic support and holistic care services aimed to improve students' academic, social, and employment outcomes (CSUF, 2018). The second example, Berkeley Underground Scholars (BUS), is a grassroots initiative created by UC Berkeley students who have been directly impacted by mass incarceration, including those with incarceration histories and/or with incarcerated family members. According to their website, BUS creates a pathway for formerly incarcerated and system impacted individuals into higher education: "We are building a prison-to-school pipeline...Our continued success directly challenges the stigmas associated with our population" (para 1). BUS focuses on recruitment, retention, and policy/advocacy through a number of different programming efforts both for potential students and once they arrive on campus. BUS sponsors an ambassador program that fosters the development of similar initiatives

throughout community college campuses in California and offers opportunities for dual enrollment for students to take a course at UC Berkeley and receive community college credit. BUS also provides tutoring, research guidance, and graduate school application support as well as provides information, guidance, and support via correspondence with currently incarcerated people interested in pursuing higher education.

A similar effort that works with college graduates is the Formerly Incarcerated College Graduate Network, a national network of people who have been to prison and either received a college degree there or obtained one afterward. The network includes people from varied educational backgrounds and careers and provides general academic and career support to members. The Network aims to change the social narrative surrounding incarceration to lessen stigma and create hope for those reentering and currently has approximately 1000 members across 41 states in the U.S. The Prison-to-Professionals (P2P) program, started by Dr. Stanley Andrisse of *From Prison Cells to PhD*, is a comparable program that is not affiliated with an institution of higher education. P2P works with individuals with conviction histories to obtain higher education. The program provides educational counseling and mentoring to justice-involved individuals by addressing 4 main areas of focus: College Readiness

In the 2003-04 academic year, more than 41,000 FAFSA applicants were ineligible for aid because of drug-related offenses.

& Career Development, Leadership Skills, Admissions & Financial Aid Counseling, & SAT/ACT/GRE Preparation.

## IMPLICATIONS FOR RESEARCH, PRACTICE, AND POLICY

Given the ways in which race/ethnicity, socioeconomic status, and educational attainment are related to imprisonment, institutions of higher education that are committed to equity must recognize formerly incarcerated and systems-impacted people as potential college students. Colleges and universities have an opportunity to invest in the potential of people directly impacted by mass punishment. In what follows, we provide implications for research, policy, and practice that center the dignity and humanity of currently and formerly incarcerated people.

### Research

Reliable data are needed at the national, state, and local program levels to document and track student characteristics, enrollment and completion, and post-graduation outcomes. However, attention should be paid to issues of ethics and coercion in research:

- *More information is needed regarding the quality of higher education in prison and prison-university partnerships.* Research that examines the reasons why colleges and universities work in and with prisons is needed because such answers shape how they see and what they decide to make available for incarcerated people.
- *Research on educational outcomes and impact of higher education during and after incarceration is needed.* Studies that demonstrate multiple professional, personal, communal, and economic outcomes should be prioritized and incarcerated students should not be treated like an exotic new phenomenon. Rather, incarcerated students should be seen like other underrepresented, underserved, and post-traditional populations in higher education.
- *Anti-oppressive research paradigms should be employed when working with and for postsecondary edu-*

...because formerly incarcerated college students are not currently included in campus inclusion and equity efforts, college and university staff are likely unfamiliar with how to assist students or are unfamiliar with resources available to them.

*cation programs in prison.* While more research is urgently needed, issues of coercion and consent should be at the forefront of research efforts that are concerned with educational equity. Interpretive paradigms should not pathologize or use deficit-based models to guide research with incarcerated and formerly incarcerated people.

- *The statistic that higher education in prison reduces recidivism is a powerful data point in broadening access.* However, empirical evidence is needed to explain why reductions in recidivism occur. Research should explore how in-prison program dynamics, such as modes of engagement (e.g., in person face-to-face programming vs. distance-based vs. online), access to resources (e.g., computers, internet, campus libraries), class size, and other factors influence post-incarceration outcomes.
- *Research is needed to examine the impact of 'ban the box' initiatives in higher education admissions and employment.* While the Common Application indicated it will remove prior criminal history questions from initial applications, colleges and universities can still ask such questions and applicants can still be required to disclose conviction information once admitted to the institution. More information is needed regarding how institutions make decisions regarding the inclusion of prior criminal history questions in admissions, who has access to student information, and the



experiences of (potential) students with incarceration and conviction histories.

- *Rich and contextually appropriate evaluation of in-prison higher education is needed to improve current programming and demonstrate impact.* Evaluations should employ anti-deficit longitudinal approaches that consider the many factors associated with incarceration and the full spectrum of higher education outcomes. Evaluation designs that require incarcerated students to consent to research as a stipulation of program participation should be prohibited, as should designs that require eligible students be denied participation so that they can serve as a control group.
- *There is a need for research on the effects of disclosure on students with incarceration histories.* Survey research of institutional staff, faculty, and administration is needed to gain insight into knowledge about, perceptions of, and behaviors toward incarcerated and post-incarceration students. Learning how a campus community might respond to students in prison or students with incarceration histories will provide a necessary baseline for professional development and education.
- *Research is needed on degree mills and questionable providers of higher education in prisons.* Such institutions are pervasive within prisons and jails. Research is needed to document the extent of their reach, how they recruit incarcerated and formerly incarcerated people, and how students are funding enrollment.
- *Much more research is needed on how identity mediates post-incarcerated life in higher education.* Because of sociopolitical forces (e.g., racism, genderism, and ableism), more information is needed regarding how and if formerly incarcerated people navigate higher education post-release.
- *Research is needed that documents and analyzes how programs are funded.* One of the critical issues with respect to the long-term viability of higher education programs in prison is how to finance them and the large presence of short-term investments in this space means that programs aren't able to adequately sustain themselves and grow. National interviewees commented that it

is critical to reinstate or establish state assistance programs in prison higher education (RAND, 2017).

- *There is a need to study the effects of laws that prevent individuals with felony convictions from earning licensure.* Many states and municipalities impose such restrictions, and sometimes impose them in the same field in which students were trained. Research should examine how such policies interfere with formerly incarcerated individuals' successful re-entry and post-prison completion.

## Policy

Current federal, state, local, and institution policies should be examined to determine their potential impact on incarcerated and formerly incarcerated college students.

- *Create sustainable funding for quality in-prison education.* Greater sustainable funding mechanisms should be created to support regionally accredited institutions in providing quality, transferrable and stackable higher education pathways for incarcerated people. Grants and related investments should not limit what curriculum pathways incarcerated students are provided, but they should require program evaluations and quality benchmarks.
- *Protect prisons against proprietary institutions and degree mills.* Diploma and accreditation mills that prey upon incarcerated and formerly incarcerated people should be prohibited from receiving state, federal, and related forms of aid. Pell grants for incarcerated people should only happen alongside assurance of curriculum quality. Efforts also should be made to protect incarcerated students against exploitation by all institutions that either seek to make a profit off of student aid or invest in in-prison programming because of the money.
- *Increase awareness about quality education in prisons.* Awareness campaigns are needed inside prisons for both prison education staff and students that describes the differences among different types of colleges and



universities, explain how transfer and stackability works, and provide a list of both non-profit regionally accredit institutions questionable providers of higher education in prison.

- *Freeze federal loan interest rates for incarcerated people.* Federal student aid should freeze interest rates for incarcerated individuals with student loans. These rates can adjust for inflation upon release.
- *Designate formerly incarcerated individuals as protected-class at institutions of higher education.* Individuals with incarceration histories should be added as a protected class at colleges and universities in an effort to mitigate the discrimination faced by students (and all people who work for a university) in admissions, campus employment, and engagement.
- *Provide guidance for reporting data on formerly and currently incarcerated people.* The Integrated Postsecondary Education Data System should include information about how to report incarcerated people in their frequently asked questions (FAQs). IPEDS should eventually move toward treating this population similarly to how they treat comparably enrolled student populations (e.g., dual-enrolled students).
- *Remove barriers to employment and civic participation for formerly incarcerated populations.* Barriers to employment and civic participation for those impacted by the criminal justice system should be removed from state and federal legislation including obstacles in voting, holding office, jury service, and serving in the military.
- *A diversified portfolio of funding streams must be created to broaden access to quality higher education for currently and formerly incarcerated people.* Specifically, a combination of federal student aid, state funding streams, and federal support in the form of block grants and related endowments are needed. While advocating for full reinstatement of Pell grant eligibility for incarcerated students is needed, urgent parallel conversations are also necessary, including protections for incarcerated people and the quality of postsecondary pathways made available via Pell funding.

## Practice

Greater awareness is needed among campus administrators, faculty, and staff to equitably serve incarcerated and formerly incarcerated people. People directly impacted by incarceration and punishment systems should be involved and at the center of this work:

- *Provide training to educators.* Training is needed to educate university administrators, faculty, and staff about incarcerated and formerly incarcerated people. Campus advisors and related staff who advise students should become familiar with the experiences of incarcerated students as well as the demands of formerly incarcerated students (e.g., potential parole or probation, and stigma).
- *Create student support systems in prisons.* Incarcerated students who are enrolled in in-prison programs should be provided all of the supports that students on the non-carceral campus are provided, such as academic advising, wellness and mental health support, writing centers, tutoring, and related student success programming. While there are restrictions in the prison, enrolled students are entitled to equitable supplemental supports.
- *Ensure that incarcerated students have access to libraries.* College and university libraries, including academic databases, should be made available to currently incarcerated students.
- *Identify and address discrimination in admissions practices.* While the current emphasis regarding discrimination in admissions is on undergraduate admissions, discrimination throughout all levels of admission should be examined and individuals who sit on admission committees should work to decrease barriers to graduate and professional school.
- *Remove barriers to applications for incarcerated individuals.* Admissions applications should be made available off-line so that incarcerated people can access them without the Internet. Fees associated with sending transcripts should also be waived for people in prison.
- *Increase recruitment of formerly incarcerated persons.* College and university admission staff

should actively recruit individuals with incarceration and criminal histories by working with prisons and making financial aid applications accessible. This will include providing on-site FASFA workshops and providing information about academic and career pathways.

- *Conduct audits of disclosure policies and practices.* University administration should review current policies and practices regarding admissions, scholarships, and internships for people who disclose incarceration and criminal histories. How are faculty, staff, and administrators currently handling disclosures and how does their behavior effect equity for populations who disclose? For example, campuses should review policies related to all hiring of people with incarceration and criminal histories, as some students who disclose are denied teaching and research assistantships on campus, which are important venues for education, development, and financing higher education.
- *Ensure curricula is equivalent to non-carceral institutions.* Courses and pedagogy for in-prison programs should mirror those offered on the non-carceral or main campus. There should be no ‘watering down’ of curriculum for incarcerated students and college/university faculty who teach inside prisons should meet – at minimum – all of the requirements to teach on the non-carceral campus.

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