

Leveraging the Power of Pell in Prison:

Equity Challenges in Scaling the Second
Chance Pell Experimental Sites Initiative

Research Collaborative on Higher Education in Prison



With bipartisan support, congress restored access to Pell grants for all low-income, currently incarcerated individuals through a year-end spending bill in 2020 (Consolidated Appropriations Act, 2021). This push for restoration was first undertaken in 2015 when the U.S. Department of Education launched the Second Chance Pell Experimental Site Initiative (Department of Education, 2020). The Experiment temporarily lifted the ban on access to federal Pell grants for incarcerated students. Through enrollment at a select group (N = 130) of postsecondary institutions of education, more than 5000 incarcerated students utilized Pell in 2017 (Vera, 2018).

Due to vast inequalities within the criminal legal system, individuals who are likely to be incarcerated are also traditionally underrepresented and excluded from U.S. higher education.

Access to federal student aid at a national level through the Pell grants could improve equity in postsecondary education by making college-level courses available and affordable during the period of incarceration. However, the power of the Pell grant to increase access to higher education for incarcerated people remains hindered by a number of equity challenges.

In 2019, the Research Collaborative on Higher Education in Prison received funding from Lumina Foundation to conduct site visits with five programs participating in the Second Chance Pell Experiment. The site visits were planned to include focus groups with students, tours of facilities, and in-depth interviews

with program staff and stakeholders. Due to the COVID-19 pandemic, these site visits transitioned into remote interviews with representatives from the five programs. From each program, we spoke to the program director, a financial aid representative from the corresponding college or university, and a penal staff member who oversees educational programming at the facilities in which programs operate. Our primary research questions focused on the barriers that programs face in facilitating federal student aid and what changes would need to be made in lifting the nationwide ban on accessing Pell grants during incarceration. In what follows, we share preliminary analysis regarding the scaling of Second Chance Pell as it relates to educational equity.

What is equity in the prison higher education context?

Equity in education is grounded in the notion of fairness, a construct dependent upon power and the ways that resources are distributed throughout society. Within the field of higher education in prison, equity means paying attention to what incarcerated individuals have access to and working to ensure a broad range of high quality educational opportunities are provided inside prisons. Educational equity also entails a sharp focus on who is able to access quality educational opportunities, particularly across traditionally minoritized and underrepresented populations in higher education, such as across race, ethnicity, sex, gender, citizenship, socioeconomic status, ability, language, and additional salient identities. This focus is especially important within the field of higher education in prison because Black and Latinx people and individuals from low socioeconomic backgrounds are

disproportionately targeted by the criminal legal system, meaning that they are more likely to be incarcerated during their lifetime (Bonczar, 2003). In the U.S., incarceration disproportionately targets communities of Color and Black communities, individuals living in poverty, those without access to high quality educational opportunities, and communities with mental health and/or substance use challenges (Western & Pettit, 2010). These exact same communities remain severely underrepresented throughout U.S. higher education.

Understanding equity in the prison higher education context requires both an acknowledgment of racism inherent within mass punishment and the corresponding systemic forces that shape who has access to postsecondary education, such as wealth inequality, housing instability, access to healthcare, food insecurity, among accumulated disadvantages.

These challenges compound, exacerbating educational inequalities and preventing many incarcerated individuals from accessing Second Chance Pell. Even the moniker of “Second Chance” betrays an otherizing assumption about the history of incarcerated students: that those students expended their first opportunity at education and are generously being provided another chance. In reality, access to education is shaped by the same barriers that increase disproportionate likelihoods of incarceration,

which means many incarcerated people have never had a fair shot at quality, accessible education.

The purpose of the Pell grant is to reduce income-based disparities in who receives postsecondary education, and those disparities do not disappear once someone is incarcerated. Rather, incarceration exacerbates those inequalities and makes it even more difficult for people to pursue education. If the democratizing power of the Pell grant is to be brought to scale during incarceration, then policymakers, practitioners, and Departments of Corrections must acknowledge the uneven landscape in which the Second Chance Pell Experiment was implemented.

Equity Challenges

The following challenges must be and importantly, can be, addressed for the equitable scaling of Pell grants for incarcerated people.

***Challenge 1:
We do not know who is receiving Pell grants during incarceration.***

***Challenge 2:
Qualification for Pell is particularly burdensome for incarcerated individuals.***

***Challenge 3:
Restrictions controlled by Departments of Corrections influence who receives Pell funds.***

Challenge 1: We do not know who is receiving Pell grants during incarceration.

Presently, there is little evidence of who is receiving Pell grants during incarceration. The U.S. Department of Education (2020) reports that 4,964 and 6,750 incarcerated individuals received Pell grants during the 2016-2017 and 2017-2018 academic years respectively. During the 2017-2018 academic year, at least 4,646 additional individuals applied for Federal Student Aid but did not receive Pell funds. This is approximately 41% of all applicants. While the Department of Education tracks the number of people who applied and were awarded Pell grants during incarceration, the FAFSA does not currently collect demographic information such as race or ethnicity. Additional demographic information must be collected and publicly shared to ensure equitable access to student aid during incarceration across diverse student populations.

The Pell grant is intended to expand access to postsecondary education for communities who may not otherwise be able to afford college. One concern from our research is that Pell distribution during incarceration is largely concentrated among people who have access to privilege in prison; namely, those who can gain access to necessary documents such as tax returns and those who are eligible to attend programming. Many incarcerated people must rely upon family and friend networks to provide necessary information and records and pay out-of-pocket for printing and mail correspondence. The barriers presented by the FAFSA process, including the documentation requirements, can discourage potential students from applying before the FAFSA is even submitted. All of these restrictions can prevent traditionally underserved populations from accessing Pell grants and exacerbate educational inequalities.

Nationally, Black students comprise the largest percentage of undergraduate recipients of Pell

grants. In the 2015-16 academic year, more than half (57%) of all Black undergraduate students received a Pell grant, almost one-third of white undergraduate students received a Pell grant, and just over one-third of Latinx undergraduate students received one (U.S. Department of Education, 2019). Given the ways in which incarceration compounds inequalities including in access to education, it is critical to know the extent to which Black students and racially minoritized communities are being served by Second Chance Pell. More needs to be understood about whether Second Chance Pell is distributed in ways that reflect the demographics of incarceration and, if not, how recruitment, qualification, and programming contribute to disparities.

“ We actually set a goal – a diversity goal – a year ago because we were noticing that 43% of all incarcerated are of a minority status and our enrollment into Pell was about 12% minority status. . . . We’re not talking about huge numbers of people here, but it’s something we looked at very early and said, “Are there barriers to entry?” And there was nothing that’s obvious. . . . [T]he college had a speaker come in and talk about equity issues and disparity issues and things like that. . . . [A]fter that, our recruitment this year has been pretty equitable from that standpoint. ”

**Education Director at a
Department of Corrections**

Challenge 2: Qualification for Pell is particularly burdensome for incarcerated individuals.

In order to qualify for a Pell Grant, incarcerated applicants must demonstrate their eligibility through the FAFSA. Requirements include selective service registration, good standing status for any previous student loans, and limitations on Expected Family Contribution (EFC). Some of the restrictions are straightforward for incarcerated applicants to address, while other aspects of qualification create barriers that burden particular groups of applicants.

First, incarceration makes it near impossible to maintain on-time payments for student loans. Applicants who are in default on their student loans are ineligible to receive federal student aid. To regain federal aid eligibility, an applicant must maintain consecutive on-time monthly payments for at least six months. There are a number of obstacles that can prevent an incarcerated person from being able to rehabilitate student loan delinquency, including the ability to pay, access to accurate information, and support from the prison to help facilitate those payments. When they have capacity, higher education in prison programs have stepped up to assist students with student loan default status, but doing so requires an incredible amount of work and resources. In our interviews, several programs expressed desire to assist students with payments, but did not have the bandwidth nor resources to assist individual students with loan rehabilitation.

Data on national student loan delinquency demonstrate that borrowers below the federal poverty level are at great risk of defaulting. In a representative survey of students who began college in 2004, almost two-thirds of borrowers (65%) with incomes over 200 percent below the federal poverty level defaulted within 12 years of starting college (Rabuy & Kopf, 2015). While

excluded from national wage and employment statistics, incarcerated people as a group exist well below the federal poverty level and routinely earn no wages. However, labor market discrimination starts before incarceration with high rates of joblessness and with most people targeted by incarceration growing up in deep poverty. Prisons are concentrated with people who have been intergenerationally locked out of sustainable economic opportunities and ladders of upward social mobility (Looney & Turner, 2018). Given these statistics, there is a high likelihood that incarcerated people will be in student loan default if they had loans prior to incarceration, and their imprisonment makes it near impossible to rehabilitate those loans given the low hourly wage for imprisoned laborers (i.e., an average hourly wage of between .33 cents and \$1.4; Prison Policy Initiative, 2017).

Second, dependency status becomes a barrier to accessing Pell for many incarcerated young adults. During the FAFSA process, anyone under the age of 24 must be screened for dependency status. If an applicant is found to be a dependent, the applicant must provide tax information for their parents in order to calculate their Expected Family Contribution (EFC). Due to prison restrictions, applicants may be unable to contact their families or otherwise receive financial documents to demonstrate wages earned. In our interviews, program stakeholders stated that the burden of retrieving tax information from parents often fell on financial aid officers at the college or university rather than on students. For programs that relied on students to track down required documents, the FAFSA process was significantly delayed.

The effect of dependency status on Second Chance Pell awards is clear. While 11% of people incarcerated in state prisons are under

the age of 24, only 1.6% of students receiving Pell awards in the 2017-2019 academic year had dependent status (Li & Lewis, 2020; United State Department of Education, 2020). This disparity is due to administrative barriers, and not because of inhibitory EFCs. During the 2017-2018 academic year, 97.4% of incarcerated applicants had an EFC of \$0 and were therefore eligible for the full Pell award (United States Department of Education, 2020). Only a small percentage of applicants therefore are disqualified from receiving Pell Grants due to a high EFC, but the administrative burden of having dependency status and needing to provide relevant documentation can significantly stall the application process. These barriers fall heavily on young Black people and other people of Color, who are disproportionately imprisoned compared to their white peers during the critical developmental phase of emerging adulthood (Nellis, 2016). The restrictions on Pell eligibility due to dependency further exclude this population from accessing educational opportunities during the traditional college-going age.

Altogether, the qualification process for Pell is unfairly burdensome on incarcerated individuals and is not tailored to their unique circumstances. Several participants in our research cited that student loan default and dependency status were such hurdles to receipt of Pell that their programs pre-screened applicants based on these factors. For example, one program screened applicants for student loan default through a combination of self-disclosure and verification through the National Student Loans Data System. Another program purposefully recruited more students to complete the FAFSA application than they could accommodate because they anticipated many would be deemed ineligible. These strategies attempt to mitigate the many bureaucratic challenges that arise in accessing federal student aid for incarcerated

people, but they are not without ripple effects on equity in access and frequently further exclude populations who already are underrepresented in postsecondary education.

“ So, I have one prison where I really want to go into. . . [T]he population there is between the ages of 17 and 24, and they all need parental verification. And we are not able to get it. We’ve written to the DOE to give us a waiver for those students, because they’re the ones who need education the most, the younger ones. . . .But they are the ones who are challenged with financial aid verification. ”

Dean of General Education at a two-year, public institution

Challenge 3: Restrictions controlled by Departments of Corrections influence who receives Pell funds.

These restrictions include prohibitions on internet usage and control over who is allowed to access postsecondary programming. The FAFSA is a lengthy, labor-intensive process that is made easier by online tools designed to reduce the burden of applying. The online application offers explanatory information for each question to reduce confusion and opportunities to prefill information from previous years or directly from the IRS to ensure accuracy. The online tools also provide a corrective function, which ensures all required questions are answered, ensures quick corrections post-submissions, and reduces the need for verification.

Unfortunately, most prisons do not allow access to the internet. Most programs must either mail in paper FAFSAs completed by students or have staff manually input information online after students fill out the necessary information on paper. Both methods are time- and labor-intensive and vulnerable to errors. Documentation including records of marital or dependency status and money earned is necessary to complete the application itself and also if a student selected for verification, which is common among incarcerated applicants. This documentation may be unobtainable for students due to the lack of internet, restrictions on communication, and the cost of phone calls or mail. Obtaining financial documents may also require a two-step identity verification process via text message on a cell-phone, which is also prohibited in prison.

These barriers make it extremely difficult for students to complete the FAFSA on their own. If students are unable to contact their family or access financial documents themselves, this work falls on the program which is likely operating with limited staff and resources. The retrieval of documents by program staff can

be further challenged by language barriers, the need to access records from schools, banks, or lenders that have closed, and concerns from families about sharing financial information with strangers.

Beyond internet restrictions, many obstacles exist for incarcerated people to participate in postsecondary education programming in prison, let alone access federal student aid. State departments of corrections impose restrictions on who is able to participate in programming, including postsecondary education. Indeed, the majority of Second Chance Pell participating colleges and universities (58% in 2016-2017 and 65% in 2017-2018) reported that the prisons in which they worked had strict requirements about who could participate in postsecondary education and consequently, who could apply for federal student aid (United States Department of Education, 2020). While specific guidelines differ among prisons and jails, common requirements from departments of corrections include individuals having a high school diploma, GED, or equivalent credential, as well as a record of clear conduct with no recent disciplinary infractions. Possible participation in postsecondary education must also align with relevant work, movement, and housing requirements, as well as any sentence-mandated or otherwise required treatment programming. Taken together, the individual prison higher education program has little control over who is allowed to apply to their program.

The aforementioned protocols and regulations are considered standard across institutions of confinement in the U.S., and they are not without significant bias. The selection criteria used during pre-screening processes for accessing postsecondary education is subject to

the marginalizing effects of both implicit and explicit bias. Black people who are incarcerated are more likely to be charged with prison rule violations than their white peers (Bonner et al., 2017) and are more likely to be placed in solitary confinement for disciplinary reasons (Cochran et al., 2018). Black applicants are therefore more likely to have recent disciplinary charges or have restricted movement than white applicants, which raises the chances that penal staff will exclude them from eligibility for postsecondary educational programming. Implicit bias can also influence discretionary decisions about which applicants are a good fit for postsecondary education when limited spots are available.

“The challenges of administering Second Chance Pell without internet access make our work like really, really labor intensive and extremely draining on our staffing resources, and just kind of slows us down in almost every way imaginable.”

***Executive Director of Corrections
Education, two-year, public institution***

Considerations Moving Forward

In order to ensure educational equity, the distribution of Pell awards must function differently for incarcerated students and non-incarcerated students. With almost 99% of incarcerated student applicants qualifying for full-Pell awards, the expensive and time consuming FAFSA process may not be the best method for determining which students qualify for federal student aid (United States Department of Education, 2020). This process is further burdened by the restrictions of the prison environment, which make it difficult to access financial and other information. An abbreviated or alternative process may be better suited for incarcerated applicants given their restricted circumstances. Without policy changes to reduce the disproportionate burdens on incarcerated populations seeking Pell grants, it will be difficult to ensure educational equity in the higher education in prison context.

Furthermore, whenever possible, departments of corrections should enable the submission of the FAFSA over the internet.

Submitting FAFSA applications via the internet inside the prison is the best way to ensure accurate and efficient submissions.

This also removes the burdens placed on the loved ones of students and higher education in prison programs. Submission over the internet rather than through paper forms also allows incarcerated applicants access to the same tools that other applicants have, such as the ability to prefill data from the IRS which reduces the need for external documentation.

For Pell to function at scale within prisons, it will require collaborative work across organizations and institutions.

As it exists now, programs with more experience and resources are better able to access Pell funds and facilitate student success. The expansion of Pell requires statewide organization, relationship building, and the sharing of resources and expertise. The technical assistance currently provided by third-party institutes like Vera is critical for many institutions that have not worked within the penal system before and rely on outside assistance to understand how to navigate the system (see e.g., Vera, 2018). Second Chance Pell will be the most effective and equitable if higher education in prison becomes a core component of the function of both penal institutions and postsecondary institutions.

Furthermore, the creation of support documents to guide students through the financial aid process from start to finish could greatly assist staff and students alike. Several programs have already implemented this but better documentation from the Department of Education tailored to Second Chance Pell would facilitate its successful expansion. Beyond guidance regarding the financial aid process, incarcerated individuals should be offered financial counseling upon entering jail or prison. Financial counseling should continue throughout and beyond the custodial relationship and should include assistance with rehabilitating debt and information regarding lifetime Pell eligibility for those interested.

The expansion of Pell to include administrative costs, such as staff, would increase the capacity of programs to meet the needs of students,

especially as enrollment grows. Increased funding would ensure relevant student support services could dedicate resources to the prison education programs, such as in-person financial aid consultations. Furthermore, existing program staff are frequently overwhelmed and undersupported. Additional staff would ensure students are given adequate support during the application process and during coursework.

Finally, it is imperative that more data are systematically collected surrounding access to Second Chance Pell. These data should cover who is accessing Pell during incarceration, what opportunities are provided by programs using Second Chance Pell, and what barriers to access exist. To adequately address disparities in access to education, it is crucial that data are collected to measure whether Second Chance Pell exacerbates or eliminates these inequalities. If the population who receives federal student aid during the period of incarceration is significantly different from the incarcerated population, steps must be taken to understand why that disparity exists and how to reduce it. This means data should be collected regarding recruitment, eligibility, and drop-out, and data should be collected both for program evaluation purposes and nationally to determine the landscape of the field.

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