

Beyond Pell Restoration

*Addressing Persistent
Funding Challenges in
Prison Higher Education
Toward Racial and
Economic Justice*



THE UNIVERSITY OF UTAH
Prison Education Project



The People Lab



ALLIANCE
FOR HIGHER
EDUCATION
IN PRISON

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About the Higher Education in Prison Landscape Project

In 2008, the Prison Studies Project at Harvard University began compiling a list of higher education in prison programs throughout the United States. For the next 10 years, the National Directory of Higher Education Programs in Prison remained a central focus of the Prison Studies Project and an important resource for the higher education in prison community. Today, working with partners at the Research Collaborative on Higher Education in Prison at the University of Utah, and the Goldman School of Public Policy at the University of California, Berkeley, the Alliance for Higher Education distributes the Annual Survey of Higher Education in Prison Programs, works with an annual cohort of 12 higher education in prison program leaders, and hosts the National Directory of Higher Education in Prison Programs, which serves as a comprehensive resource for people seeking information about college in prison programs in the United States. Please direct questions about the Higher Education in Prison Landscape Project to: directory@higheredinprison.org.

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Introduction

This brief report outlines the potential impacts of Pell restoration on the field of higher education in prison.¹ Using original qualitative data from interviews with 12 higher education in prison programs and quantitative data from a national survey of college programs in prison, our analysis focuses on persistent funding challenges that the Pell grant alone cannot address. Specifically, we highlight three distinct and pressing challenges for the field of higher education in light of Pell restoration, and related to: 1. access to funding other than FAFSA, including college/university specific scholarships; 2. administrative sustainability and funding, and key stakeholder alignment on program vision and offerings, and 3. access to student support services. Ultimately, we argue that the effects of Pell reinstatement on access to higher education will depend on whether it is accompanied by investments in a broader range of institutional infrastructures and resources. The report concludes with recommendations to adequately and responsibly support the growth and quality of higher education in prison programs.

Background

As part of the 1994 Violent Crime Control and Law Enforcement Act (Pub. L. No 103-322), Congress rescinded Pell grant eligibility for incarcerated people. Prior to 1994, incarcerated people who met the low-income requirements of Pell eligibility could receive the Pell grant to pay for higher education. Since the full lifting of the ban on Pell grant distribution announced in 2020, there have been widespread discussions about how equity, inclusion, and access to higher education will be restored and even broadened.

The history of Pell grants in funding higher education in prison is popularly understood as a story of tragedy: when Pell grants were available to incarcerated people, higher education in prison thrived. When they were pulled from prisons, programs disappeared, with some programs being described as closing virtually overnight.² The return of the Pell grant for people who are currently incarcerated is a victory hard fought by activists, directly impacted communities, and supporters and practitioners in the field of education. Yet, consistent and adequate funding to support college coursework and programming offered inside prisons has been, and remains, a persistent challenge for the field.³

Our results and analysis suggest that the return of Pell to incarcerated students is likely to radically alter the landscape of postsecondary educational opportunity during imprisonment, with potentially significant implications for racial and socioeconomic justice.

Methodology

We employed a concurrent mixed-method research design using data integrated from two sources: results from the 2020 *Understanding the Landscape of Higher Education in Prison*

1 This report serves as an abridged version of the academic article *Beyond Pell Restoration: Addressing Persistent Funding Challenges in Prison Higher Education Toward Racial and Economic Justice* (Royer, Castro, Lerman & Gould) forthcoming.

2 Spearlt. (2016). The return of Pell grants for prisoners? *Criminal Justice* 31(2), 10-14.

3 Gehring, T. (1997). Post-secondary education for inmates: An historical inquiry. *Journal of Correctional Education*, 48(2), 46-55; Herron, R. H., Muir, J. T., & Williams, D. (1973, July). *National Survey of Postsecondary Education Programs for Incarcerated Offenders*. National Council on Crime and Delinquency, New Gate Resource Center: Hackensack, N.J.; Silva, W. (1994). A brief history of prison higher education in the United States. In M. Williford (Ed.). (1994). *Higher education in prison: A contradiction in terms?* Phoenix, AZ: Oryx Press.

Survey and interviews with members of the inaugural Higher Education in Prison Cohort Program.⁴ The *Landscape Survey*, conducted via email by the Alliance for Higher Education in Prison, was distributed to leaders of prison higher education programs across the country. The survey contained 93 questions, both closed- and open-ended, about college-in-prison programs during the 2018/2019 academic year. The *Landscape Survey* was distributed to a total of 131 programs, and had a response rate of 45.8% (60 programs).

In addition to survey data, we employed targeted interviews conducted during the summer of 2020 with a subset of 12 leaders through the Higher Education in Prison Program Cohort Program.⁵ Interviews were semi-structured and focused on several general areas of conversation, including programmatic challenges, funding, and future opportunities or areas of growth. The interviews were conducted via Zoom, then transcribed and coded by members of the research team. The survey data and interviews help us to address three key questions:

- ▶ **What are the most pressing funding issues for college-in-prison programs?**
- ▶ **To what extent does the restoration of Pell address the funding challenges that college-in-prison programs face, and what issues remain?**
- ▶ **What implications does the restoration of Pell funding have for racial and socioeconomic justice?**

Inequity, Access, and Funding for Higher Education

Roughly 2.2 million people are behind bars in the United States, and upwards of 8 million are under some other form of state supervision, such as house arrest, ankle monitoring, probation, or parole.⁶ Yet, not everyone shoulders the burden of punishment equally. Instead, Black individuals are incarcerated in state prisons at a rate that is 5.1 times the imprisonment of whites. In five states (Iowa, Minnesota, New Jersey, Vermont, and Wisconsin), the disparity is more than 10 to 1.⁷

But while prisons might present the starkest inequity, they are not the only American institution where racial stratification is deeply embedded; higher education in the U.S. is also racially segregated and unequal. Young white Americans are far more likely to have a college degree than are Black or Latinx young people. Moreover, white students are overrepresented at the most selective institutions, where there are more resources available to help them graduate. In contrast, enrollment among Latinx and Black students is concentrated at less selective schools, including non-degree-granting programs and 2-year schools, where the likelihood of graduating is lower. In fact, about 30% of Black students and 40% of Latinx students attend the nation's poorest-funded colleges.⁸

4 Creswell, J. W., Plano Clark, V. L., Gutmann, M. L., & Hanson, W. E. (2003). Advanced mixed methods research designs. In Tashakkori, A. and Teddlie, C. (eds.). (2003). *Handbook of mixed methods in social and behavioral research*, pp. 209–240. Thousand Oaks, California: Sage Publications; Greene, J. C. (2007). *Mixed methods social inquiry*. San Francisco: Jossey-Bass.

5 The Cohort is a two-year, co-learning project that was launched by the Alliance for Higher Education in Prison in 2019, and part of the Landscape Project. In the summer of 2019, prospective programs were invited to submit applications for inclusion into the cohort, and individual programs were selected by a team of interdisciplinary reviewers based on expressed desires for co-learning and community.

6 Gottschalk, M. (2015). *Caught: The prison state and the lockdown of American politics*. Princeton, NJ: Princeton University Press.

7 Nellis, A. (2016, June 14). *The color of justice: Racial and ethnic disparity in state prisons*. Washington, D.C.: The Sentencing Project.

8 Gansemer-Topf, A.M., Downey, J., Thompson, K., & Genschel, U. (2018). Did the recession impact student success? Relationships of finances, staffing and institutional type on retention. *Research in Higher Education* 59, 174–197.

Prison Higher Education and the Pell Grant: The State of the Field

The Pell grant is designed to expand access to postsecondary education and economic opportunity, and it has been extraordinarily successful in facilitating this goal. In 2019, for instance, Pell grants provided funding to 42 percent of all undergraduate students in the U.S.⁹ Because it helps to offset decades of socioeconomic disinvestment and race-based discrimination, need-based student aid like the Pell grant can increase college application and enrollment rates among communities of color, low-income students, and first-generation college students. Indeed, Black students comprised the highest percentage of Pell recipients in the 2015-16 academic year.¹⁰ More than half of students receiving Pell come from families making less than \$20,000, and 3 out of 4 recipients of Pell reported no net family assets.¹¹

Pell's role in facilitating access to higher education for students in prison has been similarly decisive. Researchers and practitioners argued that by the 1970s, expanded postsecondary educational opportunity in prisons was almost entirely driven by access to Pell grants.¹² Yet, the availability of Pell grants in prison also presented problems. For some programs, the Pell grant was used as a slush-fund of sorts, allowing institutions to collect Pell dollars while providing substandard instruction and curriculum with little to no state or federal oversight. Congressional debates about postsecondary education for incarcerated people alluded to these abuses as but one reason to fully ban Pell grants during incarceration. Additionally, Pell debates in Congress became associated with the 1970's tough-on-crime era policies spearheaded by the Nixon Administration— where discussions over Pell grant eligibility in prison centered around deservingness, unearned privileges, and the potential for abuse.¹³

The return of Pell might reanimate these debates, while also posing new challenges. Most critically, the return of Pell to prisons without additional investment is likely to replicate the racial and economic inequities that are pervasive throughout higher education. In recent years, nearly one in three low-income Pell recipients have attended colleges that spent the least in dollars per full time enrolled student.¹⁴ Targeted spending in the areas of instruction and academic support services, like tutoring, financial aid advising, and health care improve the chances that students will be successful. For example, when colleges spend more money on “teaching, advising, and outreach, they tend to improve key measures of student success

9 Cahalan, M.W., Addison, M., Brunt, N., Patel, P. R., & Perna, L.W. (2021). *Indicators of higher education equity in the United States: 2021 historical trend report*. Washington, DC: The Pell Institute for the Study of Opportunity in Higher Education, Council for Opportunity in Education (COE), and Alliance for Higher Education and Democracy of the University of Pennsylvania (PennAHEAD).

10 de Brey, C., Musu, L., McFarland, J., Wilkinson-Flicker, S., Diliberti, M., Zhang, A., Branstetter, C., and Wang, X. (2019). *Status and trends in the education of racial and ethnic groups 2018* (NCES 2019-038). U.S. Department of Education. Washington D.C.: National Center for Education Statistics.

11 Protopsaltis, S. & Parrott, S. (2017, July 17). *Pell grants – a key tool for expanding college access and economic opportunity – need strengthening, not cuts*. Washington, D.C.: Center on Budget and Policy Priorities.

12 Newman, A. P., Lewis, W. & Beverstock, C. (1993). *Prison literacy*. Philadelphia: National Center of Adult Literacy. Retrieved from <https://files.eric.ed.gov/fulltext/ED363729.pdf>; Gehring, T. (1997). Post-secondary education for inmates: An historical inquiry. *Journal of Correctional Education*, 48(2), 46–55; Page, J. (2004). Eliminating the enemy: The import of denying prisoners access to higher education in Clinton's America. *Punishment & Society*, 6(4), 357–378; Wright, C. (2001). Pell grants, politics and the penitentiary: Connections between the development of U.S. higher education and prisoner post-secondary programs. *The Journal of Correctional Education*, 52(1), 11–15; Yates, M. T., & Lakes, R. D. (2010). After Pell grants: The neoliberal assault on prisoners. *Policy Futures in Education*, 8(1), 61–70.

13 Yates, M. T., & Lakes, R. D. (2010). After Pell grants: The neoliberal assault on prisoners. *Policy Futures in Education*, 8(1), 61–70.

14 Hillman, Nick. (2020). Why Rich Colleges Get Richer & Poor Colleges Get Poorer: The Case for Equity-Based Funding in Higher Education. *Third Way*. Retrieved from <https://www.thirdway.org/report/why-rich-colleges-get-richer-poor-colleges-get-poorer-the-case-for-equity-based-funding-in-higher-education>

like graduation rates and time-to-degree.”¹⁵ For incarcerated students, these effects are likely to be magnified if Pell is reinstated absent additional investment in these types of core infrastructure.

Findings and Analysis

The expansion of higher education into prison settings that Pell restoration is likely to facilitate marks a potentially important step towards greater equity in access to college. However, this is not an automatic outcome. Rather, attention needs to be paid to broader trends in higher education, including the persistent racial divide in college access and outcomes, so as not to replicate those inequities inside prisons and jails. This will require additional strategic investment in the infrastructure of prison higher education.

The data collected through this project serve to highlight three distinct and pressing challenges for the field of prison higher education in light of the restoration of Pell:

- 1. Difficulties with the FAFSA application and award processes for incarcerated people have been well documented.** Indeed, recent research finds that large shares of incarcerated people are currently ineligible to receive the Pell grant because of barriers such as previous student loan default and the inability to access tax information and other required records.¹⁶ These barriers are not addressed via Pell restoration as it is currently designed.
- 2. Higher education in prison programs will play a key role in Pell restoration, but they do not work alone.** Administrators, correctional leaders, policy makers, and government officials must recognize what is at stake in Pell restoration and work to disrupt and repair the existing racial and economic inequalities that permeate higher education, which are amplified in prisons and jails.
- 3. Student support services that assist in retention, persistence, and time-to-degree are scarce in the emerging field of higher education in prison.** In large part, this is because it requires substantial resources to adequately transfer such services to settings inside prisons and jails. The restoration of Pell does not, in-and-of-itself, ensure that incarcerated students will have access to such supports.

Recommendations

Our findings lead us to make three key recommendations about how to ensure that the return of Pell grants can achieve meaningful and equitable access to higher education for students who are currently incarcerated.

- 1. Explore the effects of allowing incarcerated students to be eligible for institution-specific scholarships and grants and/or other forms of tuition subsidies (e.g., reduced tuition rates) as a first step towards establishing Pell as just one funding mechanism within a broader funding network.** Additional research is needed to better understand the mechanisms for ensuring consistent and sustained funding (e.g., the terms of the agreement among the university and/or state legislature and the higher education in prison program), how

¹⁵ Hillman, Nick. (2020). Why Rich Colleges Get Richer & Poor Colleges Get Poorer: The Case for Equity-Based Funding in Higher Education. *Third Way*. Retrieved from <https://www.thirdway.org/report/why-rich-colleges-get-richer-poor-colleges-get-poorer-the-case-for-equity-based-funding-in-higher-education>

¹⁶ Tahamont, S., Hyatt, J., Pheasant, B., Lafferty, J., Bell, N., & Sheets, M. (2020). Ineligible anyway: Evidence on the barriers to Pell eligibility for prisoners in the Second Chance pilot program in Pennsylvania prisons. *Justice Quarterly*, Online First.

program growth is supported or inhibited (e.g., does funding increase annually to allow for additional students?; are there restrictions on how many classes incarcerated students can take at a time?), and pathway support for students (e.g., do students have the ability to either complete a credential or transfer into another program of study post-release?).

- 2. Compensate and formalize the positions of higher education personnel who support programs operating in prison.** Many instructors and staff currently working within the field of prison higher education are volunteers. This is compelling evidence that instructors and staff care about the work and are willing to sacrifice monetary compensation. Yet, the fact that programs must rely on volunteer labor suggests that the affiliated academic institution has not committed the necessary resources to adequately support in-prison higher education. It also means that material privilege is a requirement to participate in advancing the work of higher education in prison. For colleges and universities, teaching as part of a higher education in prison program should be viewed and treated as the equivalent labor of teaching on the traditional campus.
- 3. Ensure that higher education in prison programs have sufficient resources to provide robust student support services.** Over half of all the institutions in the U.S. that provide higher education in prison are two-year schools.¹⁷ Many of these institutions are already stretched thin, and Pell restoration is going to require even more resources from the affiliated college or university. Because incarcerated people will be officially enrolled in affiliated institutions, these colleges and universities will need to provide and/or expand student support services at penal facilities. These and other resources will be critical to ensuring that Pell restoration results in the meaningful expansion of access to higher education.

Conclusion

One of the greatest challenges on the Pell restoration horizon is distributing the grants to individuals most in need during incarceration: people of Color and people who are economically disenfranchised, who have historically been excluded from access to quality education and the opportunities to experience social mobility, economic opportunity, and potentially avoid future incarceration. Taken as a whole, our findings suggest that Pell grants must be but one part of a more robust financial landscape for prison higher education. The return of Pell will potentially bring new problems to prison higher education and exacerbate existing challenges for the field. Alone, Pell will do little to expand access to marginalized student communities who comprise a disproportionate share of people in prisons.

Institutions of higher education, alongside Departments of Corrections and state and federal policymakers, must make issues of equity a priority in the implementation of Pell in prison. To fulfill the promise of Pell grants in prison, higher education in prison programs will need institutional buy-in and financial assistance in the areas of infrastructure, tuition, and staff. By providing the necessary investments to support higher education in prison, Pell restoration could be an effective lever for advancing racial and economic justice. Or, without a concerted focus on racial and socioeconomic equity, the return of Pell could merely replicate the inequities that are already pervasive throughout higher education.

¹⁷ Royer, C.E., Castro, E.L., Lerman, A.E., & Gould, M.R. (2021). Understanding the Landscape of Higher Education in Prison Survey: 2018-2019. Alliance for Higher Education in Prison. <https://www.higheredinprison.org/publications/understanding-the-landscape-of-higher-education-in-prison-survey-2018-2019>

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