

# Charter: Pell Restoration for Incarcerated Students Working Group

February 2021



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## Timeline & Commitment

**Start date: February 2021**

**End date: TBD**

Throughout this period the group can expect to meet regularly (2x per month) by telephone and Zoom.

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## Composition

- **Members:**
    - Keyimani Alford, Madison Area Technical College
    - Mike Budke, Chemeketa Community College
    - Amy Cable, Louisiana Community and Technical College System
    - Marie Johnson, University of Vermont
    - Kristi Jovell, Middlebury College
    - Felipe Leal, Lee College
    - Sheila Meiman, Raritan Valley Community College
    - Shawn Morrissey, UMass Medical School
    - Steve Phillips, Nyack College
    - Bill Spiers, Tallahassee Community College
  - **NASFAA Staff Liaisons:**
    - Megan Coval, Vice President of Policy & Federal Relations
    - Rachel Gentry, Assistant Director of Federal Relations
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## Background

The 1994 Violent Crime Control and Law Enforcement Act put in place a ban on Pell Grant eligibility for incarcerated students, greatly restricting access to higher education for this population. The Consolidated Appropriations Act, 2021 signed into law in December 2020 lifted this ban, restoring Pell Grant eligibility and expanding postsecondary access for millions of incarcerated students across the country. As the Department of Education (ED) works to implement these provisions, it is critical to develop solutions that address the unique challenges experienced by incarcerated students navigating the financial aid application process.

Although Pell Grants have not been widely available to incarcerated students since 1994, there is existing insight into the areas within the Title IV application process that have proved most challenging for incarcerated students to navigate, which should be used to inform the implementation of these new provisions. Since its launch in 2015, ED's Second Chance Pell Experimental Sites Initiative has enrolled nearly 17,000 incarcerated individuals and resulted in more than 4,500 earned certificates, postsecondary diplomas, associate's degrees, and bachelor's degrees. The pilot program, which provides need-based Pell Grants to people in state and federal prisons, has been expanded to 130 schools located in 42 states and the District of Columbia.

While the results of Second Chance Pell have been overwhelmingly positive, the experiment has also illuminated a number of challenges experienced by incarcerated students when completing the FAFSA to determine aid eligibility. These challenges, many

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of which were outlined in a March 2019 [GAO report](#), found that completing the FAFSA can be particularly challenging for incarcerated students due to a range of factors including lack of access to personal files and tax records needed to verify applicants' income and assets, difficulty rehabilitating defaulted federal loans, and limited access to phone/email to obtain and communicate with family members about necessary documentation, to name a few.

Although new challenges will likely arise as Pell Grants and postsecondary education options become more widely available to incarcerated students across the country, developing solutions to the challenges already identified by the Second Chance Pell experiment should be a key focus of ED's implementation efforts. While it is important to note that some challenges identified during the pilot, such as difficulty navigating the Selective Service registration requirement, will be alleviated by other provisions included in the bill, the need for additional Departmental guidance to provide the aid community with necessary flexibility and clarification to support incarcerated students with FAFSA completion and verification will remain.

Additionally, as Pell Grants, and consequently access to postsecondary education, is restored to incarcerated students across the country, the financial aid community, most of whom have not worked in prison settings since the ban was put into effect in 1994, will play a critical role in counseling and assisting students through the aid application process. Many financial aid administrators (FAA) will begin working with incarcerated students and in a prison setting for the first time. FAAs should be equipped with the knowledge and skills needed to support and empower all students they serve, and incarcerated students are no exception. To ensure all eligible students are able to access Pell, FAAs will require professional development and training with a specific focus on understanding this population, how their experiences with FAFSA completion and postsecondary education are unique, and best practices to assist them in navigating the Title IV application process.

The Consolidated Appropriations Act, 2021 requires that the restoration of Pell eligibility for incarcerated students be implemented no later than July 1, 2023. However, the bill also contains an early implementation option that allows the Secretary of Education to open up Pell eligibility before this date if they choose to do so. While even a July 1, 2023 implementation date leaves only a short window to ensure the Title IV system and financial aid community is prepared to successfully support newly eligible incarcerated students, these preparations and the need for thoughtful implementation will only become more urgent should the Secretary opt for early implementation.

NASFAA is convening a working group of members and individuals knowledgeable of the Second Chance Pell pilot to examine the challenges, both existing and future, that incarcerated students may face throughout the FAFSA completion process. In addition to identifying best practices learned through Second Chance Pell, the group will develop recommendations for ED and/or Congress, as well as NASFAA, to ensure a smooth implementation that promotes postsecondary access and success for this important population.

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## Purpose

### The purpose of the working group is to:

1. Identify the challenges around FAFSA completion experienced by Second Chance Pell participants, as well as new challenges that may arise once Pell eligibility is restored for all incarcerated students.
2. Identify lessons learned through Second Chance Pell, such as best practices around FAFSA completion, that might inform successful implementation.
3. Develop recommendations of steps that ED and/or Congress could take to ensure a smooth implementation that promotes postsecondary access and success for this important population.
4. Develop recommendations of steps that NASFAA could take to provide the financial aid community with the professional development, training, and education needed to support incarcerated students.

### Areas of exploration could include but are not limited to:

- Guidance, clarification, or flexibility that is needed to help FAAs support incarcerated students in completing the FAFSA and navigate the financial aid they are eligible for. For example, flexibility to assist incarcerated students with loans in default, guidance on how prison wages should be treated on the FAFSA, etc.
- Changes to the FAFSA or Title IV process that may be needed to accommodate incarcerated students
- Strategies that ED might consider when determining how it interacts with FAAs to answer questions and provide technical support related to incarcerated students
- How professional judgment might be used to make appropriate adjustments for incarcerated students in unique circumstances, and related guidance that may be needed.
- Recommendations around additional data that should be collected to identify and track outcomes of incarcerated students
- Challenges that financial aid offices might experience as they return to working in prisons for the first time in over two decades, and strategies to help FAAs understand the broader environmental context surrounding prison education programs and successfully collaborate with program staff, faculty, and prison personnel
- Professional development and training that will strengthen FAAs' understanding of incarcerated students and prison education programs, with a specific focus on disrupting implicit biases and misconceptions surrounding the criminal justice system and justice-impacted students.
- Existing resources and experiences within the aid community that could be uplifted to help aid offices supporting incarcerated students.
- Areas that warrant additional research, such as how Pell restoration for incarcerated students impacts eligibility for various state and institutional aid programs.

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### **Indicators of Success & Outcomes**

A full report of the above desired outcomes shall be delivered to the Board of Directors, with a rollout to the general membership in June or July 2021. Relevant recommendations should be shared with ED and/or Members of Congress upon the report's publication.

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### **Task Force Members' Duties & Responsibilities**

- Attend all virtual meetings and participate in the deliberations. Notify the committee Chair and the staff liaison if circumstances prevent attendance at a particular meeting;
- Adhere to deadlines for submission of committee assignments;
- Review all agenda items and background documents prior to each meeting and come prepared for the discussions; and
- Serve as recording secretary for a committee meeting if requested by the task force chair.

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### **Budget**

None anticipated.