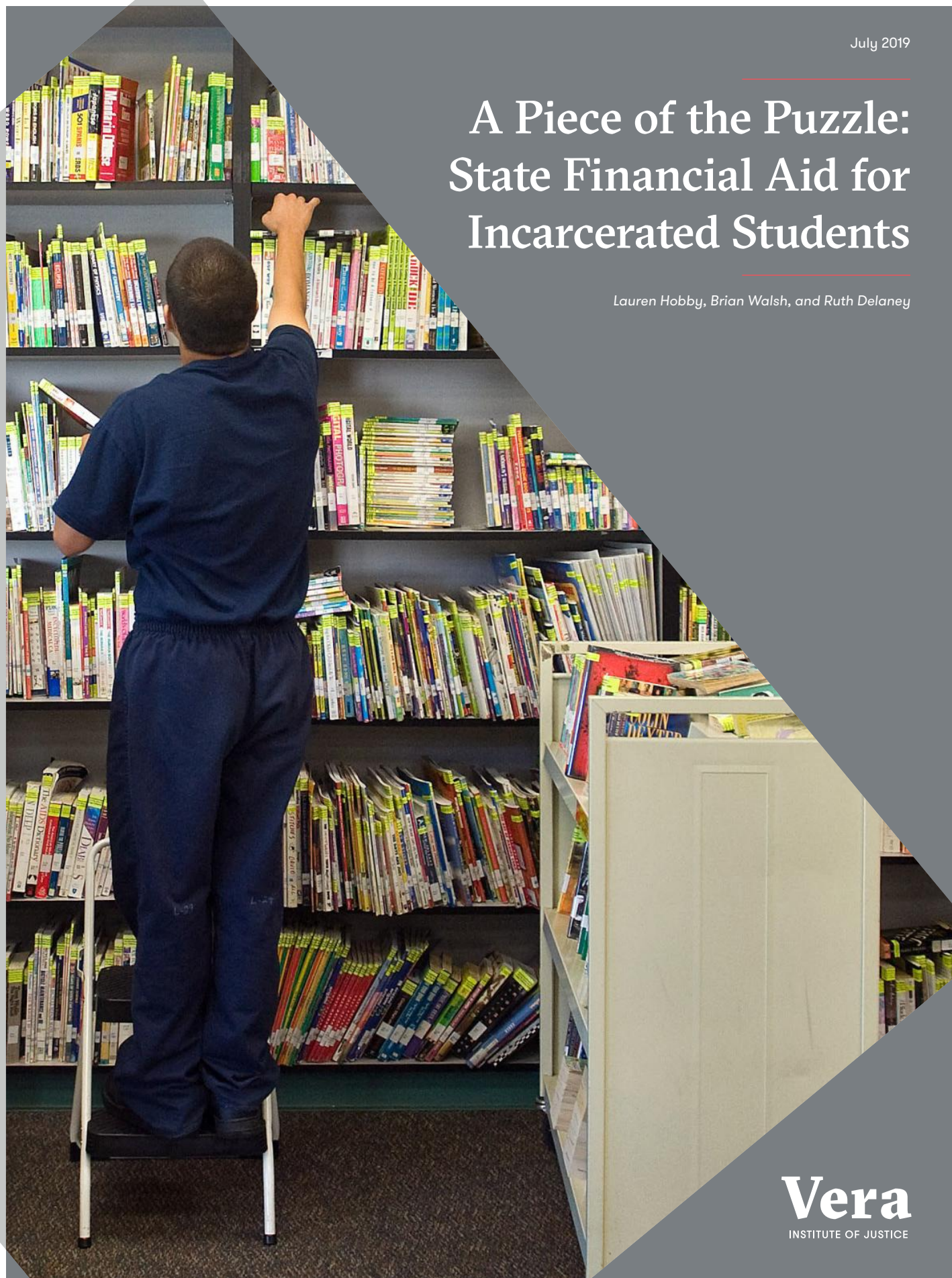


July 2019

# A Piece of the Puzzle: State Financial Aid for Incarcerated Students

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**Vera**  
INSTITUTE OF JUSTICE

## Foreword

High-quality postsecondary education offers people in prison new opportunities. It makes it possible for people leaving prison to build the lives they choose by equipping them with the tools they need to navigate the complex social and economic realities of America in the 21<sup>st</sup> century. So, too, it offers people serving long—or possibly endless—sentences the opportunity to build community while in prison. The statistics supporting these statements are well known: participation in postsecondary education in prison substantially reduces the likelihood of a future prison term, a majority all jobs now require postsecondary training, and the presence of postsecondary programs in prisons makes those facilities safer and more humane for the people who live and work within them. With so many reasons to offer these programs, one may question why they are not more widely available. The answer is simple: funding.

There is no doubt that people in prison are hungry for these opportunities. Indeed, 70 percent of people in prison would like to enroll in an education program, the vast majority of whom set their sights on postsecondary education. But even at the highest estimates, current enrollment reaches less than 2 percent of the 1.5 million people serving prison terms in the United States today. Two recent events attest to the deep

interest and enthusiasm of students and the commitment of colleges to work with people behind bars: the rapid expansion of programs that followed the launch of the U.S. Department of Education's Second Chance Pell Experimental Sites Initiative (which temporarily reinstates Pell eligibility to incarcerated people enrolling in participating colleges); and the significant growth in programs in California after the state legislature in 2014 cleared the way for community colleges to teach in state prisons.

But, more importantly for the research presented in this report, these two events show the significant barrier that funding represents to this field—and what can happen when that barrier is lifted. Without reliable, renewable, and accessible funding programs for incarcerated students and the colleges that enroll them, no amount of interest or enthusiasm could make these programs available, at scale, to the more than 850,000 people who want to enroll in them before they leave prison.

The primary and only truly reliable mechanism for low-income students to gain access to higher education is the federal Pell Grant program. Most states rely heavily on this federal program to support the college aspirations of the neediest of their prospective college

students. A decade ago, in the grips of the deepest economic recession of the last century, state policymakers had to make difficult decisions. In many cases, they cut state financial aid programs for their residents and tightened the budgets of their public higher education institutions. Yet despite the return of prosperity in the American economy, these programs still lag behind their funding levels in the early 2000s.

Even if these budgets were fully funded in the future, realistically no state financial aid program can shoulder the need-burden of a state's residents without the support of federal funding. Nor do we suggest here that such a strategy is viable for incarcerated students. The information contained in this report is presented to fill gaps in our collective knowledge about state and federal financial aid that could complement existing funding sources like the Second Chance Pell initiative, state contracts, or philanthropic investment—and also in the future, we hope, by fully reinstated Pell Grants. After all, public and private higher education institutions rely on a rich network of funding sources to underwrite their impressive innovations in meeting the challenges of the changing education and employment landscapes and their commitments to working with talented students of limited financial means.

As we begin to see incarcerated students as part of our college communities across the nation, we invite colleges and universities to draw on these same sources to meet the challenges of building high-quality programs for these talented, deserving, and overwhelmingly enthusiastic students.

Handwritten signatures of Margaret diZerega and Ruth Delaney in black ink.

Margaret diZerega  
Project Director  
Center on Sentencing  
and Corrections  
Vera Institute of Justice

Ruth Delaney  
Program Manager  
Center on Sentencing  
and Corrections  
Vera Institute of Justice

## In Memory of Fred Patrick

Director, Center on Sentencing and Corrections  
Vera Institute of Justice



Tireless advocate for a more just and humane society  
1964–2019

# Contents

<b>1</b>	<b>Introduction</b>
<b>5</b>	<b>Incarcerated students, state educational attainment goals, and departments of corrections: Where state financial aid fits in</b>
<b>9</b>	<b>Access to state merit- and need-based aid for students in prison</b>
9	States with no barriers on state financial aid programs
13	States with statutory and policy barriers based on students' incarceration status
13	States with statutory barriers that extend past release from prison
14	Statutory and policy barriers based on eligibility for federal financial aid programs
<b>17</b>	<b>Hidden barriers for incarcerated students applying for state merit- or need-based aid</b>
17	Beyond need: Additional eligibility requirements for state financial aid
17	Residency requirements
18	The challenges of completing applications while incarcerated
<b>21</b>	<b>Conclusion</b>
<b>23</b>	<b>Endnotes</b>



# Introduction

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Each year more than 600,000 people leave prisons across the United States and return home, seeking jobs and housing, aiming to reconnect with family and loved ones, and working hard to stay free and avoid arrest and another prison term.<sup>1</sup> At the community level, postsecondary education offered to people in prison is a fundamental piece to building a skilled workforce and a resilient economy.<sup>2</sup> At the individual level, the combination of benefits that postsecondary education provides puts people on a path towards a brighter future by disrupting the cycle of poverty and incarceration.<sup>3</sup> Educating people in prison doesn't just benefit one generation: children of those who attend college are more likely to enroll themselves.<sup>4</sup>

Postsecondary education has not been offered to people in prison at scale due to the numerous barriers that prevent individual students and postsecondary institutions from accessing state and federal funding programs that are available to other students and the institutions that serve them.<sup>5</sup> Over the last two decades, while colleges and departments of corrections have sought to expand educational opportunities in prison, they have had to rely on private philanthropic funding and small state contracts with corrections agencies, or to recruit students who can pay tuition without financial aid.<sup>6</sup> The availability of these funding sources can fluctuate. In particular, state funding for education programs offered in prison is vulnerable to economic downturns and difficult budget years.<sup>7</sup> Indeed, there is a significant gap today between eligibility for and interest in postsecondary education among people in prison, and actual enrollment in these programs.<sup>8</sup> The majority of people in prison are interested in pursuing postsecondary education, but only a fraction are able to enroll.<sup>9</sup>

Colleges and corrections agencies have long partnered to offer education programs to people in prison. Prior to World War II, colleges and universities offered correspondence courses to incarcerated people, and later expanded offerings to include fully accredited academic programs taught in-person inside the prison walls.<sup>10</sup> With the passage of the Higher Education Act of 1965 and the creation of Pell Grants for students with financial need in 1972, colleges began to use federal financial aid to fund programs in prisons.<sup>11</sup> In 1994, however, Congress banned access to Pell

Grants for people in prison—effectively cutting off educational opportunities beyond high school to more than a million incarcerated people and ending college programs in which 23,000 people had been enrolled.<sup>12</sup> More than half of states followed suit, banning incarcerated students from participation in both need- and merit-based state financial aid programs. Although a handful of colleges persisted in offering postsecondary education in prison, interest among incarcerated students far outstripped the availability of programs.

Reinstating eligibility for federal Pell Grants to people in prison is the most effective way to make quality higher education available to those academically prepared and interested in enrolling.<sup>13</sup> But state funding can play a role, too. Two recent expansions in eligibility for financial aid and state funding underline the key roles these funding programs play in making programs available to people in prison. At the federal level, the U.S. Department of Education launched the Second Chance Pell Experimental Sites Initiative in 2016, a demonstration project that temporarily lifts the ban on Pell Grants for students in state and federal prisons.<sup>14</sup> This initiative enables 67 colleges to administer federal financial aid to 11,000 students in state and federal prisons.<sup>15</sup> In California, a permanent change to state funding policy for community colleges in 2014 led to more than 4,500 students enrolling in face-to-face higher education while still in prison.<sup>16</sup> These students likely represent the single largest expansion in enrollment in college programs among people behind bars in more than 25 years, showing the impact that opening access to state and federal funding can have. But the gap between incarcerated people who want an education and those who can get one is still wide: 70 percent of people in prison would like to enroll in an education program, the vast majority of whom—(82 percent) or more than 850,000 people—set their sights on postsecondary education.<sup>17</sup>

That people in prison qualify for need-based financial aid should not be surprising: incarcerated people overwhelmingly come from low-income and impoverished communities of color and, with few exceptions, are barred from earning market wages while in prison.<sup>18</sup> Students outside of prison pay tuition and fees through a variety of means, including out-of-pocket payments and merit- or need-based financial aid in the form of grants and loans.<sup>19</sup> For low-income students, the primary mechanism for paying for postsecondary education is need-based financial aid. Given that incarcerated students tend to have fewer financial resources than their

peers in the community, few incarcerated people will be able to enroll in postsecondary education without access to financial assistance.<sup>20</sup> But these programs are not necessarily open to incarcerated people.<sup>21</sup>

Although federal financial aid remains the primary funding source for low-income students in the United States, nearly all states also have financial aid programs meant to support college attendance among those who have limited means. However, like the federal Pell ban, many of these financial aid programs have bans on or other barriers to access for incarcerated students.<sup>22</sup> This report contains a comprehensive overview of barriers to

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accessing state financial aid faced by incarcerated students and the colleges and universities in which they seek to enroll. By surveying state laws and financial aid policies, this report highlights the legal barriers preventing states from investing in the education of qualified students who are serving time in prison, reviews state and federal funding sources that are currently available, and suggests ways in which policymakers and education leaders can incorporate merit- and need-based state financial aid into the suite of funding sources. In addition, the Technical Appendix (available at [www.vera.org/a-piece-of-the-puzzle-appendix](http://www.vera.org/a-piece-of-the-puzzle-appendix)) provides a state-by-state detailed description of need- and merit-based aid programs available to incarcerated students, as well as programs with statutory and other barriers.



## Why invest in state funding for postsecondary education in prison now?\*

State governments are increasingly looking to build their workforce by improving access to funding for higher education and providing pathways to high-demand jobs. Vera's recently released report—*Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison*—written with the Georgetown Center on Poverty and Inequality, found that expanding these programs to include incarcerated students will spur economic benefits throughout a state.<sup>a</sup>

- > **Taxpayer savings.** Every dollar invested in postsecondary education in prison saves taxpayers \$4 to \$5 in incarceration costs.<sup>b</sup>
- > **Increased employment and economic stability.** Each year, more than 600,000 formerly incarcerated

people return to their communities in states across the country. Participation in postsecondary programs while incarcerated can increase students' employment rates by up to 10 percent.<sup>c</sup>

- > **Better jobs.** Eighty percent of good jobs—defined as jobs paying \$35,000 or more for 25–44 year olds—require at least some postsecondary education, and 56 percent of good jobs require at least a bachelor's degree.<sup>d</sup>
- > **Safer communities.** Studies show that participation in postsecondary education can reduce an individual's likelihood of recidivism by up to 48 percent.<sup>e</sup> In addition, prisons with postsecondary education programs report lower levels of violence in facilities, making them safer for those who live and work in prisons.<sup>f</sup>

\* Box notes at end of report.

# Incarcerated Students, State Educational Attainment Goals, and Departments of Corrections: Where State Financial Aid Fits In

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Expanding access to state financial aid has benefits for students and their families; colleges, universities, and state higher education systems; and state departments of corrections. These benefits can form a complementary relationship among the college, the community, and the students in prison, in which each relies on the others to ensure the availability of strong, sustainable postsecondary education programs to a broad range of students.

**For students and their families.** Across the United States, students and their families must pay tuition, fees, and other costs related to postsecondary education. Among enrolled students, 57 percent report using scholarships and 56 percent report using grants to reduce this financial burden.<sup>23</sup> Incarcerated people, compared to people who are not in prison, are more likely to have grown up below the federal poverty line, in a single-parent household, and in economically distressed neighborhoods.<sup>24</sup> Once in prison, their typical earnings are between \$0.14 and \$1.41 per hour.<sup>25</sup> Based on how the federal government determines a student's financial need—a calculation that is often also used to determine state financial aid eligibility—most incarcerated people would have qualified for need-based financial aid programs prior to incarceration, and they are likely to remain eligible during their prison terms.<sup>26</sup> Finally, incarceration has been shown to lower annual and lifetime earnings, making it likely that incarcerated people will be eligible for need-based aid after they return home.<sup>27</sup>

With incomes so low, paying for college without need-based financial aid is likely to be extremely difficult for incarcerated people and their families. Were they to have access to postsecondary education while incarcerated, more incarcerated people could use their time in prison to learn skills that would make it easier to find stable employment once they

return to their communities.<sup>28</sup> Postsecondary education is much more than advanced training: it is becoming a basic requirement for most jobs in the American economy. Indeed, within the next several years, two-thirds of all jobs will require some type of postsecondary training.<sup>29</sup> Moreover, providing access to postsecondary education in prisons can disrupt the cycle of poverty and incarceration: children of those who attend college are more likely to enroll themselves.<sup>30</sup>

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## Expanding access to state financial aid has benefits for students and their families; colleges, universities, and state higher education systems; and state departments of corrections.

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**Colleges, universities, and state higher education systems.** Public community colleges, private colleges, and state universities also benefit from increased access to financial aid for incarcerated students. States in every region of the country are acutely focused on workforce development initiatives. These programs aim to equip those groups that still face high unemployment rates with the skills necessary to match employers' needs. And with low overall unemployment rates, business owners are more open to hiring formerly incarcerated students.<sup>31</sup> Ensuring that incarcerated people can acquire the skills and credentials in high demand in their states or regions is a necessary part of a state's higher education efforts to meet workforce goals.

Public and private colleges, as well as state higher education systems, set equity goals to expand access to and completion of education for students and communities of color. Given that 70 percent of men and 52 percent of women in federal and state prisons identify as people of color,

but only 42 percent of people in postsecondary education overall identify as students of color, engaging in prison-based education may help these institutions fulfill their goals of improving the diversity of postsecondary education participants.<sup>32</sup> Developing the capacity of colleges and universities to enroll incarcerated students, a historically underrepresented population in postsecondary programs, may aid these institutions in meeting their broader goals.

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## Partnering with colleges and universities to provide postsecondary programs can help state corrections agencies meet institutional goals related to evidence-based practices and recidivism reduction.

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Many states are also pursuing initiatives to improve educational attainment among residents. For example, Tennessee's Drive to 55, Michigan's Detroit Drives Degrees, and Arizona's Achieve60AZ all seek to raise postsecondary attainment to a certain percentage by a certain date.<sup>33</sup> Achieve60AZ, for example, has set the "ambitious but achievable goal" of raising the college degree attainment rate from 42 percent to 60 percent of state residents between the ages of 25 and 64 by 2030.<sup>34</sup> Given that some postsecondary institutions report higher than average program completion rates among incarcerated students, expanding access to higher education in prison could help states achieve these attainment goals.<sup>35</sup>

**State departments of corrections.** Partnering with colleges and universities to provide postsecondary programs can help state corrections agencies meet institutional goals related to evidence-based practices and recidivism reduction. Postsecondary education has been shown to reduce recidivism

among those who enroll by as much as 48 percent.<sup>36</sup> Based on these findings, education programs, including postsecondary education, were given a rating of “promising” in 2014 by the U.S. Department of Justice in its compendium of evidence-based practices.<sup>37</sup> But as state corrections agencies report, funding is the largest obstacle to making postsecondary education programs available to qualified students.<sup>38</sup> By working with programs that accept financial aid, corrections agencies will have access to postsecondary partners that can reliably provide education programming in prison.

Programs that accept federal and state financial aid must meet various eligibility requirements related to accreditation and the types of programs in which students can enroll.<sup>39</sup> This ensures that courses offered to students meet the accrediting and program standards set by the U.S. Department of Education and/or relevant state education agencies. Working with programs that accept financial aid may therefore offer assurance to corrections agencies and the public that the programs offered will provide students with the credentials they need for success after prison.

# Access to State Merit- and Need-Based Aid for Students in Prison

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The findings presented here are drawn from Vera's review of all 50 states' statutes and policies related to state financial aid. The findings are summarized in Figure 1 in this report on page 10, as well as presented with detailed individual state analyses in the Technical Appendix. More than half of all states have some statutory or policy barrier preventing incarcerated students from accessing at least one state aid program. These barriers have differing impacts on students' abilities to fund their education during and after incarceration, depending on how the requirements are drafted and implemented. The following discussion describes states with no barriers, those with statutory barriers based on incarceration status, those that extend beyond a prison term, and those with statutory or policy barriers that are based on federal financial aid eligibility.

## States with no barriers on state financial aid programs

Seventeen states and the District of Columbia have no statutory, regulatory, or policy or practice barriers explicitly precluding incarcerated students from applying for state financial aid: Alabama, Alaska, Connecticut, Hawaii, Idaho, Iowa, Maine, Maryland, Minnesota, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Vermont, Virginia, and Wisconsin.<sup>40</sup> In these states, incarcerated students should be eligible for state financial aid.

Kentucky, while technically allowing incarcerated students to receive financial aid, established a de facto barrier: rather than having a flat prohibition, its statutes prevent incarcerated students from receiving state financial aid unless all other eligible nonincarcerated students have received awards.<sup>41</sup> Because Kentucky has not historically fully funded its grant program, incarcerated students are moved to the back of a line that is never entirely served.<sup>42</sup>



Figure 1

### Comparison of state financial aid barriers

- No barriers to state aid
- Some barriers to state aid
- Significant barriers to state aid
- Other barrier status

State	Barrier status (none/some/all)	Types of barriers		
		States with statutory and/or policy barriers based on students' incarceration status <sup>1</sup>	States with statutory barriers that extend past release from prison	States with statutory and/or policy barriers based on eligibility for federal financial aid
Alabama	●			
Alaska	●			
Arizona	●			●
Arkansas	●	●		
California	●	●		
Colorado	●			●
Connecticut	●			
Delaware	●		●	
District of Columbia	●			
Florida	●		●	
Georgia	●	●	●	
Hawaii	●			
Idaho	●			
Illinois	●	●		
Indiana	●	●		●
Iowa	●			
Kansas	●	●		●

<sup>1</sup>Some incarcerated students will be unable to access financial aid even in states without specific statutory or policy bans on aid for incarcerated people, because these states have bans that refer to conviction histories or criminal records. The conviction that resulted in the prison sentence the incarcerated person is serving will make them ineligible based on these types of bans. All incarcerated students in Florida, Louisiana, Mississippi, Utah, and Washington who have convictions (except for some misdemeanors) are unable to access at least one program, while students convicted of specific offenses (such as felony drug convictions) are unable to access at least one program in Delaware, South Carolina, South Dakota, and Texas.

- No barriers to state aid
- Some barriers to state aid
- Significant barriers to state aid
- Other barrier status

**Types of barriers**

State	Barrier status (none/some/all)	Types of barriers		
		States with statutory and/or policy barriers based on students' incarceration status <sup>1</sup>	States with statutory barriers that extend past release from prison	States with statutory and/or policy barriers based on eligibility for federal financial aid
Kentucky	● <sup>2</sup>	●	●	
Louisiana	●		●	●
Maine	●			
Maryland	●			
Massachusetts	● <sup>3</sup>	● <sup>3</sup>	● <sup>3</sup>	● <sup>3</sup>
Michigan	●	●	●	●
Minnesota	●			
Mississippi	●		●	
Missouri	●	●	●	●
Montana	●	●		
Nebraska	● <sup>4</sup>			● <sup>4</sup>
Nevada	●			
New Hampshire	●			
New Jersey	●	●		
New Mexico	●			
New York	●	●		
North Carolina	●			●

<sup>2</sup>Priority for state aid is given to students who are not incarcerated.

<sup>3</sup>Board of Education guidelines for some programs conflict on eligibility.

<sup>4</sup>Ban is based on agency interpretation and may or may not apply to every program.

- No barriers to state aid
- Some barriers to state aid
- Significant barriers to state aid
- Other barrier status

**Types of barriers**

State	Barrier status (none/some/all)	Types of barriers		
		States with statutory and/or policy barriers based on students' incarceration status <sup>1</sup>	States with statutory barriers that extend past release from prison	States with statutory and/or policy barriers based on eligibility for federal financial aid
North Dakota	●			
Ohio	●	●	●	
Oklahoma	●	●		
Oregon	●			
Pennsylvania	●	●	● <sup>5</sup>	
Rhode Island	●			●
South Carolina	●		●	
South Dakota	●		●	
Tennessee	●	●	●	
Texas	●		●	
Utah	●		●	
Vermont	●			
Virginia	●			
Washington	●		●	
West Virginia	●	●		●
Wisconsin	● <sup>6</sup>			
Wyoming	●	●	● <sup>7</sup>	●

<sup>5</sup>The state board has authority to deny aid but does not presently exercise it except for one program.

<sup>6</sup>Most aid programs contain barriers for people who are in arrears on child support payments.

<sup>7</sup>Students who have completed all court-imposed conditions may appeal this barrier.

## States with statutory and policy barriers based on students' incarceration status

Sixteen states bar students who are incarcerated from accessing at least one financial aid program in the state based on their incarceration status: Arkansas, California, Georgia, Illinois, Indiana, Michigan, Montana, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wyoming.<sup>43</sup> These statutory barriers generally do not apply once students are no longer incarcerated.

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**The majority of people in prison are interested in pursuing postsecondary education, but only a fraction are able to enroll.**

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In all of these states except New York, which limits its ban to prisons, the prohibition on awarding financial aid to incarcerated students extends to those held both in prisons and jails.<sup>44</sup> This is in contrast to the federal Pell ban, which the U.S. Department of Education has clarified does not prohibit otherwise eligible students from receiving need-based aid while incarcerated in jails, juvenile facilities, or halfway houses.<sup>45</sup>

## States with statutory barriers that extend past release from prison

In 14 states, including five states that also have programs with barriers based on carceral status, the restrictions on state financial aid are more severe. Six states—Delaware, Florida, Kentucky, South Carolina, Washington, and Wyoming—permanently bar students convicted of any felony from consideration for at least one of their state financial aid

programs even after completion of their sentences.<sup>46</sup> Texas bars students with felony or drug convictions from receiving aid for two years after they return to the community or complete parole or probation.<sup>47</sup> Two states, Georgia and South Dakota, have permanent bans on financial aid for students convicted of any drug-related felony.<sup>48</sup> In Michigan, students convicted of a felony involving assault, physical injury, or death are not eligible for one of the state's financial aid programs.<sup>49</sup>

In addition, four states—Louisiana, Mississippi, Oklahoma, and Utah—permanently bar students with any criminal convictions from some state financial aid programs.<sup>50</sup> Missouri and Tennessee ban students convicted of a crime while receiving state financial aid from renewing their state assistance, provided that such a conviction would preclude the student from receiving federal financial aid under Title IV of the Higher Education Act, which governs federal student assistance programs.<sup>51</sup> (For a more detailed discussion of Title IV, see below.) By statute, Ohio bars students convicted of riot, failure to disperse, and misconduct at an emergency from receiving aid under any of the state's financial aid programs for two calendar years.<sup>52</sup>

## States with statutory and policy barriers based on eligibility for federal financial aid programs

Some states limit incarcerated students' access to state financial aid less explicitly by referring to federal eligibility standards, typically referencing either Title IV eligibility or Pell eligibility. (Federal Pell Grants are offered as part of a suite of federal student financial aid programs enacted in Title IV of the Higher Education Act.)<sup>53</sup> In this way, federal policy is echoed in state programs. When these policies or regulations reference *Pell eligibility*, the status of students' eligibility is clear: incarcerated students are ineligible for Pell Grants. However, when they reference *Title IV eligibility* more broadly, these statutes become more difficult to interpret, because incarcerated students are eligible for other aid programs authorized by Title IV, such as Federal Supplemental Educational Opportunity Grants (FSEOG).<sup>54</sup> Partial eligibility for Title IV may be interpreted in different ways in different states.

By statute, North Carolina and Louisiana require Pell eligibility to qualify for some state financial aid programs. The Missouri Department of Higher

Education has interpreted the state's statutory barrier to those with criminal convictions to bar consideration of any student who is not eligible for Pell Grants, although the statute itself references Title IV more broadly.<sup>55</sup>

States that do not explicitly reference Pell eligibility in their statutes may still use it as a qualifying mechanism. In Arizona, Colorado, Indiana, Kansas, Massachusetts, Nebraska, and West Virginia, state higher education agencies have established policies that require Pell or Title IV eligibility. Massachusetts' policy requires not only that students be eligible to receive a Pell Grant, but also that they have never been convicted of a drug offense or incarcerated in a federal or state penal institution.<sup>56</sup> This ban extends after students have returned to their community. These state education agencies are typically empowered by the state's statutes or regulations to set policies on how to process student applications.<sup>57</sup> These policies also can restrict incarcerated students' access to funding for so long as the federal program contains a ban that applies to them.

Although the effect is the same, Rhode Island organizes its funding slightly differently: the Rhode Island Office of the Postsecondary Commissioner allocates state financial aid dollars to colleges in the state, which can distribute aid based on their own eligibility criteria.<sup>58</sup> The Community College of Rhode Island and Rhode Island College have chosen to require Pell eligibility for Rhode Island's Supplemental Opportunity Grant and Stay-the-Course Scholarship, respectively.<sup>59</sup>



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## Additional state and federal financial aid and funding programs with no barriers\*

In developing strategies to serve a wide variety of students, colleges and universities working in the community approach funding in a number of ways. They seek state appropriations, full-time equivalent enrollment (FTE) allocations, and public and private grants to support their operations and innovations. Prison-based college programs, which traditionally have relied entirely on private foundations and donations or a single source of public funding, can develop similar multistream funding opportunities for their students. Using a variety of funding sources protects students from having to terminate their education if a single source fails and has the potential to expand access and opportunity.

In addition to Pell Grants and need- and merit-based state financial aid, there are a few additional state and federal programs that are available to incarcerated college students or to postsecondary institutions seeking to offer programs to them. This section summarizes only those federal programs available to incarcerated students and postsecondary institutions working in prison and those at the state level that are available to at least some students and postsecondary institutions.

- › **GI Bill.** The Department of Veterans Affairs can pay certain benefits to honorably discharged veterans who are incarcerated in a federal, state, or local penal institution; however, the amount depends on the type of benefit and the reason for incarceration.<sup>a</sup> Although prior to the passage of the Forever GI Bill in 2017 veterans had 15 years from their last discharge or release from active duty before their eligibility for college assistance lapsed, these benefits no longer have a time limit.<sup>b</sup>
- › **Federal Work-Study (FWS) and Federal Supplemental Education Opportunity Grant (FSEOG).** FWS and FSEOG are need-based federal financial aid programs. Students who qualify for FWS are awarded a certain amount of money and may earn up to that sum performing part-time work for their school, which helps pay for their education expenses.<sup>c</sup> The FSEOG is a grant ranging from \$100 to \$4,000 per year depending on need.<sup>d</sup> According to the U.S. Department of Education, incarcerated students technically may be eligible to receive FWS and FSEOG funding.<sup>e</sup> Although there are real challenges to accessing these funds in prison—for example, it is difficult for incarcerated students to perform many common FWS jobs—FWS could be a way to pay incarcerated students enrolled in postsecondary programs

as tutors or instructional aides at a prevailing wage. These wages could supplement other funds with which students pay tuition for postsecondary programs.

- › **Workforce Innovation and Opportunity Act (WIOA).** WIOA is designed to help coordinate education, training, and support needs of job seekers with the needs of employers.<sup>f</sup> The act provides a number of ways to fund programs that assist job seekers in attaining the skills and knowledge that will make them desirable employees. Title II of WIOA, known as the Adult Education and Family Literacy Act, is widely used in pre-college prison education programs, but few states use WIOA Title I Adult and Dislocated Worker funding to fund postsecondary programs.<sup>g</sup> Because WIOA funds are targeted at increasing employment, this funding source may be especially relevant to career and technical programs.
- › **State and federal foster care tuition assistance.** Twenty-eight states provide tuition assistance programs for people who have been in the child welfare system.<sup>h</sup> The majority of these programs include a tuition waiver for qualifying students and are available to students who are currently incarcerated.<sup>i</sup> In addition, the federal government funds an education and training voucher program for former and current foster care youth, which is managed by each state.<sup>j</sup> The program provides up to \$5,000 of funding per student per year to aid with tuition, books, fees, and other living expenses.<sup>k</sup> Each program has specific eligibility requirements beyond need, such as age limits or application timing requirements, and not all incarcerated students will qualify. (See the Technical Appendix for more information on the availability of state programs that are not part of the federal voucher program.)
- › **State full-time equivalent enrollments.** State colleges and universities are often funded through state full-time equivalent (FTE) student enrollments. This means that the school receives funding “per enrolled student” but, rather than counting heads, the funders count 15 credit hours as “one full-time student.” Many states allow public colleges and universities to count incarcerated students toward their enrollment targets. Enrolling more incarcerated students, even if they are part-time students, creates a source of funding for state institutions as well as an incentive to grow prison-based programs to scale.<sup>l</sup>

\* Box notes at end of report.

# Hidden Barriers for Incarcerated Students Applying for State Merit- or Need-Based Financial Aid

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States with explicit barriers on financial aid ensure that incarcerated students cannot partake in this essential resource to fund their education. But even in states where no explicit barriers exist, there are a number of additional factors that influence whether incarcerated students are eligible for a specific state financial aid program. These eligibility requirements create another, hidden layer of barriers for incarcerated students, including additional conditions beyond financial need, state or county residence, and burdensome application documentation.

## Beyond need: Additional eligibility requirements for state financial aid

Many state financial aid programs have a number of eligibility requirements that make it difficult for incarcerated students to qualify for funding, such as full-time enrollment, high school GPA minimums, enrollment in a public state university or community college, or enrollment in a program before reaching age 20 or within a certain number of months of obtaining one's high school credentials.<sup>60</sup> The educational histories of many incarcerated people would preclude them from eligibility based on these criteria, and the timing of their incarceration or sentence length may bar them from others.<sup>61</sup> Incarcerated students and their advisors should work with their state higher education agency to understand which programs are most appropriate for them.

## Residency requirements

Incarcerated students must meet state residency requirements to be eligible for almost all state financial aid programs. State residency is

also required to receive in-state tuition benefits at public universities and community colleges. State statutes generally outline residency requirements.<sup>62</sup> Although these statutes vary, typically states' residency definitions have a durational requirement, and applicants must show that they or their parents have resided in the state for the requisite period.<sup>63</sup> Incarceration does not necessarily count toward this durational require-

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**Even in states where no explicit barriers exist, additional factors influence whether incarcerated students are eligible for a specific state financial aid program.**

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ment. In addition, each college or university financial aid office conducts its own domicile analysis for all students to determine if they qualify for in-state tuition.<sup>64</sup> As part of this process, students may be asked to produce proof of address or demonstrate that they graduated from a high school in the state. This may be challenging for students who are currently incarcerated or who, prior to incarceration, did not have stable housing. Proving residency is key to optimizing funding, as state financial aid programs are often structured to meet the costs of in-state tuition for state postsecondary institutions.<sup>65</sup>

## The challenges of completing applications while incarcerated

In general, students apply for state financial aid using the Free Application for Federal Student Aid (FAFSA)—even if they are not concurrently applying for federal aid.<sup>66</sup> Students must complete all sections of the FAFSA, including selective service requirements and income tax verification. Both

educational institutions and incarcerated students face a number of challenges in completing and processing these applications.

- › Eighty percent of students apply for federal financial aid through FAFSA online, while less than 1 percent submit their applications on paper.<sup>67</sup> Very few prisons offer Internet access to incarcerated people, meaning that many colleges and universities must provide additional support to help incarcerated students submit paper applications, such as providing forms for students to request tax information or scanning and uploading paper applications to the online submission portal.<sup>68</sup>
- › Male financial aid applicants are required to register for the military draft with the Selective Service Administration by age 26 in order to be eligible for federal financial aid, and 31 states have also adopted this requirement.<sup>69</sup> For a variety of reasons, including repeated incarcerations, homelessness, and family instability, many incarcerated students have not registered. Although those men who are under age 26 can still register and become eligible, others who are 26 or older must go through an appeals process with the college or university financial aid office to explain extenuating circumstances that prevented their enrollment by the age deadline.<sup>70</sup>
- › Income tax verification for students, their spouses, or their parents can be a major challenge. Because of their restricted access to their personal financial records while in prison, many incarcerated students have struggled to meet income tax verification requirements. In addition, incarcerated students may find it difficult to collect documents from spouses and parents. Finally, the ways in which the Internal Revenue Service accepts requests for tax records often conflict with permitted or accessible communication methods in correctional facilities, making it difficult to obtain records.<sup>71</sup> Even where these resources can be compiled, the cumulative time involved in requesting and gathering paper records for submission is itself a barrier.
- › Students are not eligible for federal financial aid if they have federal student loans in default, and many states have incorporated

this requirement into their financial aid programs.<sup>72</sup> Even if they have the resources to make payments, incarcerated people may struggle to contact the holders of their defaulted loans while they are in prison where pay phones and regular mail may be the only available means of communication. Some colleges and universities have assisted incarcerated students in overcoming these difficulties and getting their student loans out of default by setting up monthly payment plans. But not only are students barred from using loan consolidation to resolve defaulted loans while incarcerated, many states have policies that limit the ability of incarcerated people to enter into payment contracts, making it more difficult for colleges and universities to assist their students.<sup>73</sup>

- › Finally, incarcerated students may struggle to communicate with financial aid offices to complete application processes. Many financial aid offices communicate entirely by email or through online portals, neither of which are freely available to most incarcerated students, especially before they are enrolled.<sup>74</sup> Colleges in which incarcerated students enroll have found it helpful to host office hours or other financial aid advising sessions with current and prospective students leading to resolve barriers and answer questions.

# Conclusion

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Although this report is limited to the laws and regulations related to state financial aid, in reality colleges and universities will need to organize multiple funding streams to fully sustain and support higher education in prison. This report suggests that states looking to expand postsecondary education in prisons can use the same set of tools for funding that they use in higher education in the community. Policymakers, college and university leaders, deans, and financial aid directors do not need to reinvent the wheel when it comes to funding prison-based education. Instead, they can look for ways to remove barriers to existing funding and use the same strategies they employ in blending funding streams in the new prison environment.

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States looking to expand postsecondary education in prisons can use the same set of tools for funding that they use in higher education in the community.

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Some states are already experimenting with multiple funding streams for higher education in prison. For example, in California, Texas, and Wisconsin, students are accessing veterans' benefits, Second Chance Pell Grants, and state financial aid or tuition waivers; and the postsecondary programs that enroll these students have successfully sought private philanthropic funding and accessed state FTE allocations. The combinations of these funding sources have enabled a variety of students to enroll—those who qualify for some financial aid programs but not others—and allowed the colleges to offer privately funded scholarships to those who do not qualify for any financial aid program. By blending funding, the costs of



operating these programs are distributed across multiple sources, so that no single source is responsible for the entire program. These programs minimize their vulnerability to changes in any one funding source and diversify the students who can enroll.

The outlook for the reinstatement of federal Pell Grant eligibility for people in prison is promising, and repeal of the current ban is critical in order to scale high quality higher education in the nation's prisons.<sup>75</sup> But there is more that can be done at the state level.<sup>76</sup> By leveraging multiple sources of funding—including renewed Pell eligibility on the federal level as well as the state financial aid resources outlined in this report—colleges and universities can begin to lay the foundation for a strong, sustainable future for postsecondary programs in prison. These colleges and universities have the potential to make high-quality, well-resourced programs accessible to tens of thousands of people in prisons across the United States.

## Endnotes

- 1 E. Ann Carson, *Prisoners in 2016* (Washington, DC: Bureau of Justice Statistics [BJS], 2018), <https://perma.cc/4TLH-VBBY>. For the challenges these formerly incarcerated people face, see generally Amanda Geller and Marah A. Curtis, “A Sort of Homecoming: Incarceration and the Housing Security of Urban Men,” *Social Science Research* 40, no. 4 (2011), <https://perma.cc/ED5S-PKU5>; Rebecca Nasner and Nancy LaVigne, “Family Support in the Prisoner Reentry Process: Expectations and Realities,” *Journal of Offender Rehabilitation* 43, no. 1 (2006) 93-106; and Mark T. Berg and Beth M. Huebner, “Reentry and the Ties that Bind: An Examination of Social Ties, Employment and Recidivism,” *Justice Quarterly* 28, no. 2 (2010), <https://perma.cc/ECB5-TZMG>.
- 2 Lexi Anderson and Tom Keily, *Approaches to State Workforce Development Systems* (Denver, CO: Education Commission of the States, 2018), 2, <https://perma.cc/E76N-YH29>.
- 3 Participation in a postsecondary education program while incarcerated has been shown to reduce the likelihood of recidivism by as much as 48 percent. Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, “Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-Analysis of Correctional Education Programs in the United States.” *Journal of Experimental Criminology* 14, no. 3 (2018), 389-428, <https://perma.cc/7EET-C2ZW>; and Lois M. Davis, Jennifer L. Steele, Robert Bozick et al., *How Effective Is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation* (Santa Monica, CA: RAND Corporation, 2014), 16, <https://perma.cc/2JYM-Z69L>.
- 4 Correctional Association of New York, *Education from the Inside, Out: The Multiple Benefits of College Programs in Prison* (New York: Correctional Association of New York, 2009), 3, <https://perma.cc/678G-979E>; and James Conway and Edward Jones, *Seven Out of Ten? Not Even Close* (New Britain, CT: Central Connecticut State University, 2015), 10-14, <https://perma.cc/N4US-9BUS>.
- 5 There are other obstacles faced by educational and correctional staff as new programs launch or expand. For example, corrections agencies and Second Chance Pell partners have cited the lack of classroom and lab space for programming. In addition, research into literacy and numeracy skills of incarcerated students has suggested that preparation for postsecondary level work may pose challenges. Partners will have to work creatively to find smart solutions to these issues. Ruth Delaney, Ram Subramanian, and Fred Patrick, *Making the Grade: Developing Quality Postsecondary Education Programs in Prison* (New York: Vera Institute of Justice, 2016), 23-24, <https://perma.cc/ZU6K-WC7V>; U.S. Government Accountability Office (GAO), *Federal Student Aid: Actions Needed to Evaluate Pell Grant Pilot for Incarcerated Students – GAO-19-130* (Washington, DC: GAO, 2019), 20-21, <https://perma.cc/RT6M-LV2Z>; and Bobby D. Rampey, Shelley Keiper, Leyla Mohadjer et al., *Highlights from the U.S. PIAAC Survey of Incarcerated Adults: Their Skills, Work Experience, Education, and Training: Program for the International Assessment of Adult Competencies: 2014 (NCES 2016-040)* (Washington, DC: National Center for Education Statistics, 2016), 6, <https://perma.cc/DG6H-GM2S>.
- 6 For example, in Ohio, the Department of Rehabilitation and Corrections (ODRC) offers postsecondary education through contracts with community colleges and state universities, whereby the schools are reimbursed by ODRC. ODRC, *Ohio Penal Consortium Fiscal Issues – 57-EDU-10* (Columbus, OH: ODRC, 2017), <https://perma.cc/S36P-KJGU>. Jackson College in Michigan and Lee College in Texas offer postsecondary courses to incarcerated students who can pay for their own tuition either outright or with the assistance of scholarships and grants. Jackson College, Prison Education Initiative, “Paying for College,” <https://perma.cc/9XAD-5FAL>; and Lee College, “Student Financial Aid (LHSC),” <https://perma.cc/57FQ-WEWQ>. Other institutions rely on philanthropic support to fund programming. L.S. Hall, “In a Major Grant, More Evidence that Prison Education Programs are Gaining Steam,” *Inside Philanthropy*, October 16, 2015, <https://perma.cc/S8BW-Y9QW>.
- 7 Davis, Steele, Bozick et al., *How Effective is Correctional Education*, 2014, 61.
- 8 One study estimates that there are 202 higher education institutions providing credit-bearing courses in at least one prison. Erin L. Castro, Rebecca K. Hunger, Tara Hardison, and Vanessa Johnson-Ojeda, “The Landscape of Postsecondary Education in Prison and the Influence of Second Chance Pell: An Analysis of Transferability, Credit-Bearing Status, and Accreditation,” *Prison Journal* 98, no. 4 (2018), 10. With increased access to funding this number likely would be higher. For example, 200 colleges applied to the U.S. Department of Education’s experimental initiative to pilot funding for postsecondary education programs in prisons using Pell Grants. Delaney, Subramanian, and Patrick, *Making the Grade*, 2016, 5.
- 9 More than 70 percent of people in prison would like to enroll in an educational attainment program and, of those, 82 percent are interested in postsecondary education. U.S. Department of Education, “Highlights from the U.S. PIAAC Survey of Incarcerated Adults: Their Skills, Work Experience, Education, and Training,” November 2016, <https://perma.cc/9LXVHMR9>, 27-28.
- 10 Ruth Delaney, Ram Subramanian, Alison Shames, and Nicholas Turner, *Reimagining Prison* (New York: Vera Institute of Justice, 2018), 42-43, <https://perma.cc/HW6B-7VNT>.
- 11 Pub. L. 89-329 (89<sup>th</sup> Congress), codified at 20 U.S.C. §§ 28 et seq. (since amended and reauthorized).
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- 13 See generally Patrick Oakford, Cara Brumfield, Casey Goldvale et al., *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison* (New York: Georgetown Center on Poverty and Inequality and Vera Institute of Justice, 2019), 14, <https://perma.cc/EDM9-EFDY>; and GAO, *Federal Student Aid*, 2019, 20-21.
- 14 U.S. Department of Education, “Answering Your Frequently Asked Questions About Second Chance Pell,” 2019,

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- 15 U.S. Department of Education, “12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs Through Education Department’s New Second Chance Pell Pilot Program,” press release (Washington, DC: U.S. Department of Education, June 24, 2016), <https://perma.cc/4S4N-EC4B>.
- 16 Raul Arambula and Leslie LeBlanc, *2018 Report Incarcerated Students: Encouraging Results from Pilot Program* (San Rafael, CA: California Community Colleges Chancellor’s Office, 2019), 12, <https://perma.cc/XQV5-6Z5Y>.
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- 18 BJS estimates that 69.4 percent of men and 52.5 percent of women who are incarcerated self-identify as “non-white,” including people who are black, Latino, American Indian, Asian, Pacific Islander or of two or more races. E. Ann Carson, *Prisoners in 2016*, 2018, 7. Comparatively, the majority of college students in the United States are white: 54 percent of all students enrolled in 2015 identified as white/Caucasian. Thomas Snyder, Cristobal de Brey, and Sally Dillow, *Digest of Education Statistics 2016* (Washington, DC: National Center for Education Statistics, 2018), 455, <https://perma.cc/A5CH-MEAW>. Studies show that one in 10 boys from low-income homes will be incarcerated at age 30. Adam Looney and Nicholas Turner, *Work and Opportunity Before and After Incarceration* (Washington, DC: Brookings Institution, 2018), 2, [https://www.brookings.edu/wpcontent/uploads/2018/03/es\\_20180314\\_looneyincarceration\\_final.pdf](https://www.brookings.edu/wpcontent/uploads/2018/03/es_20180314_looneyincarceration_final.pdf). The average wage paid to incarcerated people working in state-run “correctional” jobs in 2017 was \$1.41/hour; for noncorrectional jobs the average drops to \$0.63. Wendy Sawyer, “How Much Do Incarcerated People Earn in Each State?” Prison Policy Initiative, April 10, 2017, <https://perma.cc/92VL-KCBB>.
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- 20 The median income of incarcerated individuals prior to entering prison is 41 percent less than nonincarcerated individuals of a similar age. Bernadette Rabuy and Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned* (Northampton, MA: Prison Policy Initiative, 2015), <https://perma.cc/53P7-RKQY>.
- 21 U.S. Department of Education, Federal Student Aid, *Federal Student Aid for Students in Adult Correctional and Juvenile Justice Facilities* (Washington, DC: Federal Student Aid, 2019), <https://perma.cc/KVF2-JUS5>. At least two states, Illinois and Texas, allow incarcerated students to accumulate a limited amount of debt to finance education while incarcerated. See Technical Appendix, <http://www.vera.org/a-piece-of-the-puzzle-appendix>.
- 22 See for example GAO, *Actions Needed to Evaluate Pell Grant*, 2019; Wendy Erisman and James Bayer Contardo, *Learning to Reduce Recidivism: A 50-State Analysis of Postsecondary Education Policy* (Washington, DC: Institute for Higher Education Policy, 2005), <https://perma.cc/ZAG9-9XMC>; Daniel Karpowitz and Max Kenner, *Education as Crime Prevention: The Case for Reinstating Pell Grant Eligibility for the Incarcerated* (New York: Bard Prison Initiative, 1995), <https://perma.cc/62JD-SDAA>; Institute for Higher Education Policy (IHEP), *IHEP Priorities for Higher Education Act Reauthorization* (Washington, DC: IHEP, 2019), <https://perma.cc/8CH2-AAQX>; Jonathan E. Messemer, “College Programs for Inmates: The Post-Pell Grant Era,” *Journal of Correctional Education* 54, no. 1 (2003), 31-39; and Charles A.B. Ubah, “Abolition of Pell Grants for Higher Education of Prisoners,” *Journal of Offender Rehabilitation* 39, no. 2 (2004), 73-85.
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- 24 Looney and Turner, *Work and Opportunity Before and After Incarceration*, 2018, 13-16. Prior to incarceration, 72 percent of incarcerated women and 57 percent of incarcerated men had an annual income below \$22,500. Rabuy and Kopf, *Prisons of Poverty*, 2015.
- 25 Sawyer, “How Much Do Incarcerated People Earn?” 2017.
- 26 Federal financial aid is based on financial need calculated as the difference between the cost of attendance and the student’s estimated family contribution (EFC). Students’ EFC is calculated based on their (and their families’, if dependent) taxed and untaxed income, assets, benefits, and family size, as well as the number of family members attending college or career school during the school year. Families with an income under \$26,000 are given an automatic EFC of zero, while families earning below \$49,999 are eligible for a simplified EFC calculation. Twenty-four percent of incarcerated men are from single-parent families with a household income of less than \$23,000 per year, making them automatically eligible for the maximum federal Pell Grant award; another 10 percent, from single-parent households earning \$23,000-\$33,000 per year, are almost certainly eligible for the maximum award. For calculation of need, see U.S. Department of Education, *The EFC Formula, 2019-20* (Washington, DC: U.S. Department of Education, 2018), <https://perma.cc/Y4TS-BRAM>. For average household income of incarcerated men, see Looney and Turner, *Work and Opportunity*, 2018, 13.
- 27 Looney and Turner, *Work and Opportunity*, 2018, 14. See also generally Bruce Western and Becky Pettit, *Collateral Costs: Incarceration’s Effect on Economic Mobility* (Washington, DC: Pew Charitable Trusts, 2010), <https://perma.cc/LY2S-T36S>.
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- 29 Anthony P. Carnevale, Nicole Smith, and Jeff Strohl, *Recovery: Job Growth and Education Requirements through 2020* (Washington, DC: Georgetown Center on Education and the Workforce, 2014), 15, <https://perma.cc/2877-RVDH>.
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- 31 See for example Alexia Elejalde-Ruiz and Lisa Schencker, “Second Chances: Employers More Open to Hiring People with Criminal Backgrounds,” *Chicago Tribune*, September 8, 2018, <https://perma.cc/CQN5-8SPG>; Gretchen Frazee, “Low Unemployment Means a Criminal Record is Less of a Hurdle,” PBS, September 6, 2018, <https://perma.cc/4EER-HDLK>; and Charisse Jones, “Got a Criminal Record? Will Hire: Businesses Pledge to Give Formerly Incarcerated a Chance,” *USA Today*, March 19, 2019, <https://perma.cc/5S6U-H2GM>.
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- 33 See Tennessee Board of Regents, “Governor’s Drive to 55,” <https://perma.cc/628X-AH5W>; Detroit Regional Chamber, “Detroit Drives Degrees,” <https://perma.cc/T8HB-B9YX>; and Lumina Foundation, *Statewide Education Attainment Goals: A Case Study* (Indianapolis, IN: Lumina Foundation, 2018), <https://perma.cc/E5RC-KTPB>.
- 34 Lumina Foundation, *Statewide Education Attainment Goals*, 2018, 7. Arizona’s goal does not include two-year degrees.
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- 36 Another analysis found that correctional education was associated with a 43 percent lower recidivism rate. Lois M. Davis, Robert Bozick, Jennifer L. Steele et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND Corporation, 2013), <https://perma.cc/CQ8N-DR7T>.
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- 39 U.S. Department of Education, Federal Student Aid, *Federal Student Aid Handbook, 2018-2019* (Washington, DC: U.S. Department of Justice, 2019) ch. 1, <https://perma.cc/Z2EC-YBA5>.
- 40 See Technical Appendix.
- 41 Ky. Rev. Stat. § 164.767 (2018).
- 42 Meredith Kolodner, “Eligible for Financial Aid, Nearly a Million Students Never Get It,” Hechinger Report, May 23, 2018, <https://perma.cc/WVVS-SP74>.
- 43 See Technical Appendix.
- 44 Compare N.Y. Educ. Law § 661(6)(d) (specifying that students “incarcerated in a federal, state, or other penal institution” are not eligible for state financial aid programs) with language in other statutes such as Mich. Comp. Laws § 390.993 (2017) (requiring that student applicants are “not incarcerated in a corrections institution”); and N.J. Stat. Ann. § 18A:71B-2 (2017) (barring “A person who is incarcerated,” from state financial aid programs). For a full list of the states that have statutory bars to aid for incarcerated students and the statutes barring them, see the Technical Appendix to this report.
- 45 U.S. Department of Education, Federal Student Aid, *Federal Student Aid Eligibility*, 2019.
- 46 See Technical Appendix.
- 47 *Ibid.*
- 48 *Ibid.*
- 49 *Ibid.*
- 50 *Ibid.* Louisiana excludes misdemeanor traffic offenses from the list of convictions barring students from receiving financial aid.
- 51 *Ibid.* Title IV of the Higher Education Act is codified at 20 U.S.C. §§ 1070 et seq.
- 52 Ohio Rev. Code § 3333.38. See also Ohio University, “Convictions for Certain Riot-Related and Sexual Assault Offenses (Ohio House Bill 95),” <https://perma.cc/GZS2-4A9X>.
- 53 20 U.S.C. §§ 1001 et seq.
- 54 20 U.S.C. § 1070b-2; 20 U.S.C. § 1091(a); and U.S. Department of Education, Federal Student Aid, *Federal Student Aid Eligibility*, 2019.
- 55 See Technical Appendix.
- 56 Massachusetts Office of Student Financial Assistance, *Student Financial Assistance Attestation Guide* (Revere, MA: Massachusetts Office of Student Financial Assistance, 2015), 19, <https://www.mass.edu/osfa/documents/publications/2015/2015-2016%20Audit%20Guide%205th%20Edition-rev%20063015.pdf>.
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- 58 Phone call between the authors and the Rhode Island Student Loan Authority, February 22, 2019.
- 59 Community College of Rhode Island, “Available Types of Aid,” <https://perma.cc/8GDF-HUMR>; and Rhode Island College, “Financial Aid Programs,” <https://perma.cc/9Y82-SHE8>.
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- during the previous three years and attend college the semester following receipt of a high school diploma. Students must also perform at least eight hours of community service. Montana Board of Regents of Higher Education, *Policy 501.1—Montana University System, Honor Scholarships* (adopted October 28, 1977; rev. Dec. 15, 2012), <https://perma.cc/XKM8-C3A7>.
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- 62 Some state statutes simply empower individual public colleges and universities to define residency. See for example Md. Regs. Code § 13B.07.02.03(A)(1) (2018).
- 63 For example, to receive in-state tuition in Tennessee, students must reside in the state for one year and, in Alaska, students must continuously reside in the state for two years, before enrolling in school. Tenn. Code Ann. § 49-8-104(b) (2017); and Alaska Regents Board, Regent’s Policy 05.10.025 (2017), <https://perma.cc/G2D5-VANE>.
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- 65 One state, Colorado, has streamlined the residency process for incarcerated students, greatly reducing the administrative burden of class registration for students and college staff. The state does not preclude incarcerated persons from establishing “permanence” in the state, just as someone in the community who rents a home can be considered a permanent resident. An incarcerated student’s statement that she or he intends to reside in Colorado is considered acceptable proof of residency unless there is evidence to contradict the student’s statement. CDHE, *Classification Guidelines*, 2018.
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- 69 U.S. Selective Service System, “Other Legislations by States, Territories, and the District of Columbia,” <https://www.sss.gov/Registration/State-Commonwealth-Legislation/Other-Legislations>.
- 70 The U.S. Department of Education specifically grants educational institutions awarding financial aid to make the final decision regarding eligibility of students who failed to register for the Selective Service by age 26. U.S. Department of Education, *Federal Student Aid, Federal Student Aid Handbook*, 2019, ch. 5, <https://perma.cc/FV7F-5794>.
- 71 GAO, *Actions Needed to Evaluate Pell Grant*, 2019, 17.
- 72 See for example the eligibility requirements for state financial aid in Florida and New Jersey. Florida Department of Education – Office of Student Financial Assistance, “2018-19 Fact Sheet: Access to Better Learning and Education Grant Program,” <https://perma.cc/7NMZ-LBDZ>; and New Jersey Higher Education Student Assistance Authority, “Tuition Aid Grant, 2019,” <https://perma.cc/BC58-G7FG>.
- 73 U.S. Department of Education, *Federal Student Aid for Students in Adult Correctional and Juvenile Justice Facilities*, 2019.
- 74 Tolbert, Hudson, and Erwin, *Educational Technology in Corrections 2015*, 2015, 5-6.
- 75 Erica L. Green, “Senate Leaders Reconsider Ban on Pell Grants for Prisoners,” *New York Times*, February 15, 2018, <https://www.nytimes.com/2018/02/15/us/politics/pell-grants-prisoners.html>; and Office of Senator Brian Schatz (D-HI), “Schatz, Lee, Durban Introduce Bi-partisan Legislation to Restore Educational Opportunities for Those Incarcerated and Improve Public Safety,” press release (Washington, DC: Office of Senator Brian Schatz, April 9, 2019, <https://perma.cc/S7QA-98NY>.
- 76 Davis, Steele, Bozick et al., *How Effective Is Correctional Education*, 2014, 61.

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## Call-out box endnotes

### “Why invest in state funding for postsecondary education in prison now?” p. 4

- a Patrick Oakford, Cara Brumfield, Casey Goldvale et al., *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison* (New York: Georgetown Center on Poverty and Inequality and Vera Institute of Justice, 2019), 14, <https://perma.cc/EDM9-EFDY>.
- b Lois Davis, Robert Bozick, Jennifer Steele et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs that Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND Corporation, 2013), xviii-xix, <https://perma.cc/YU2J-FA6F>.
- c Oakford, Brumfield, Goldvale et al., *Investing in Futures*, 2019, 2.
- d See generally Anthony P. Carnevale, Jeff Strohl, Neil Ridley,

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and Artem Gulish, *Three Educational Pathways to Good Jobs* (Washington, DC: Georgetown University Center on Education and the Workforce, 2018), <https://perma.cc/4HPV-5FK6>. For the definition of “good jobs” see *ibid.*, note 1.

- e Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, “Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-Analysis of Correctional Education Programs in the United States.” *Journal of Experimental Criminology* 14, no. 3 (2018), 389-428, <https://perma.cc/7EET-C2ZW>.
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**"Additional state and federal financial aid and funding programs with no barriers" p. 19**

- a U.S. Department of Veterans Affairs, “How to Apply for the GI Bill and Other Education Benefits,” <https://perma.cc/4QZV-LSC9>.
- b Harry W. Colmery Veterans Educational Assistance Act of 2017, Public Law 115-48 (2017) (Forever GI Bill). For a summary of the Forever GI Bill, see U.S. Department of Veterans Affairs, “Forever GI Bill - Harry W. Colmery Veterans Educational Assistance Act,” <https://perma.cc/7YNM-G4DX>
- c U.S. Department of Education, Federal Student Aid, “Work-Study Jobs,” <https://perma.cc/F2L9-L39G>.
- d FSEOG money is awarded directly to the school, rather than to the student, and the school makes the award. If a school’s FSEOG funds are exhausted, no more FSEOG money will be distributed. Federal Student Aid, “FSEOG (Grants),” <https://perma.cc/F27J-N2Z8>.
- e U.S. Department of Education, *Federal Student Aid Eligibility for Students Confined in Adult Correctional Facilities or Juvenile Justice Facilities* (Washington, DC: U.S. Department of Education, 2014), <https://perma.cc/F27J-N2Z8>.
- f U.S. Department of Labor, Employment and Training Administration, “Workforce Innovation & Opportunity Act,” <https://perma.cc/M3KV-P6KL>.
- g U.S. Department of Education, Office of Career, Technical and Adult Education, “National Reporting System,” database (Washington, DC: U.S. Department of Education), <https://wdcrobcop01.ed.gov/CFAPPS/OVAE/NRS/main.cfm>.
- h Emily Parker and Molly Sarubbi, *50 State Review: Tuition Assistance Programs for Foster Youth Pursuing Postsecondary Education* (Denver, CO: Education Commission of the States, 2017), <https://perma.cc/WP4K-H77X>.
- i All but five states include an upper age limit for these programs, and may require students to attend a postsecondary institution full-time. At least two states, Kentucky and West Virginia, have explicit barriers in their state waiver programs that may limit some incarcerated

students’ eligibility. Parker and Sarubbi, *50 State Review*, 2017; Ky. Rev. Stat. Ann. § 164.2847(2)(a) (2018) (barring students who have been sentenced under the state’s youthful offender statute); and W.Va. Code § 18B-10-7b (2018) (requiring Pell eligibility).

- j U.S. Department of Education, *Education and Training Vouchers for Current and Former Foster Care Youth* (Washington, DC: U.S. Department of Education, 2015), <https://perma.cc/2E2T-KDX9>.
- k *Ibid.*
- l Vera has had significant correspondence with state education coordinators regarding opportunities for incarcerated students. California: Shannon Swain, superintendent of education, California Department of Corrections and Rehabilitation, November 28, 2018, personal email; Missouri: Dr. Elizabeth Gassel Perkins, provost, St. Louis Community College, December 13, 2018, personal email; New Mexico: Brian Clark, superintendent of education, New Mexico Corrections Department, November 18, 2018, personal email; Oregon: Michael Budke, education coordinator, Chemeketa Community College, February 1, 2019, interview by Brian Walsh; Texas: Sara Bouse, Texas Department of Criminal Justice counselor, Alvin Community College, November 28, 2018, personal email; Wisconsin: Julie Ashlock, assistant dean, Milwaukee Area Technical College, November 28, 2018, personal email.



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