

State Policies to Support Learners Impacted by the Justice System

At least 95% of people who are incarcerated will eventually be released. Many will leave custody without postsecondary training, which disadvantages them when they return to their communities. State policymakers can use several strategies to increase access to postsecondary education in carceral settings that can positively impact students and communities.



Examine Governance Structures

Governance and administration of postsecondary programs in prison are complex and involve multiple entities including:

- Departments of corrections.
- Departments of education and/or higher education.
- Correctional facilities.
- Colleges and universities.
- Community organizations.

The roles and responsibilities of these entities vary across states, but regardless of the structure, collaboration is key to ensuring programs serve students' needs. States may consider examining governance structures to identify ways to better serve students participating in these programs.



Expand Financial Aid Access

In December 2020, Congress enacted the [FAFSA Simplification Act](#), which ended the nearly 30-year ban on Pell Grant access for students who are incarcerated. One estimate says that as many as [463,000 people](#) in prison will be eligible for financial aid access following the FAFSA Simplification Act.

Pell Grants often do not cover the full cost of attendance, but students may also be able to access [state financial aid](#). However, some state aid programs exclude students who have been impacted by the justice system. Another group of programs tie eligibility for state aid to Pell eligibility, so restoration of eligibility should expand access to those state aid programs. Policymakers can expand access to state aid with laws and policies that make these students who are incarcerated eligible.

Governance Examples



The [Tennessee Higher Education Initiative](#) is a nonprofit community organization that partners with the state department of corrections and participating colleges and universities to oversee higher education in prison programs. The [Office of Correctional Education](#) in the **California** Department of Corrections and Rehabilitation's Division of Rehabilitation Programs oversees education and career training as well as student support services in adult state prisons.

Financial Aid Example



[H.J.R. 27](#), adopted by the **Illinois** General Assembly in 2021, created the Higher Education in Prison Task Force to analyze higher education programs for incarcerated individuals, assess barriers and opportunities for those individuals and to recommend a legislative action plan to expand access. Among the recommendations in its [final report](#) are changes to statutory language to make state student financial assistance available to students in higher education programs in prison.



Identify Student Supports

Even when students are in carceral settings that [offer postsecondary programs](#), they face other barriers that impact their ability to successfully participate in these programs, including:

- [Technology](#).
Many students have limited or no access to devices like computers, laptops or tablets to complete coursework.
- [Learning spaces](#).
A lack of classrooms, libraries and labs can impact the quality of students' education experience.
- [FAFSA completion](#).
Students must complete the Free Application for Federal Student Aid to determine Pell eligibility and in some states, eligibility for state aid.
- [Facility transfers](#).
Students enrolled in an education program may be transferred to another facility where they do not have access to similar programs or any program at all.

Policymakers can support students with policies that help them access and complete postsecondary programs.

Student Supports Example



In 2021, the **Oregon** Higher Education Coordinating Commission convened a [stakeholder group](#) to study ways to best serve students who are incarcerated and eligible to receive Pell Grants. The group made a number of policy [recommendations](#) including to allow students enrolled in Pell eligible programs to be considered for a hold in a particular facility or a transfer to a facility with a similar program. Their report also included recommendations to provide appropriate classroom space, education resources and materials. The Legislature has since [passed](#) a [number](#) of [bills](#) taking [steps](#) toward improving access to prison education programs.

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