

To: Accountability in Higher Education and Access through Demand-driven Workforce Pell (AHEAD) Committee

From: Tamar Hoffman and Zoe Kemmerling, representing legal assistance organizations that represent students and borrowers, consumer advocates, and civil rights groups that represent students

Re: Job Placement Requirement for Prison Education Programs

Date: December 10, 2025

The 70% job placement requirement is not feasible for Prison Education Programs (PEPs). Even in well-designed programs, post-release employment outcomes are shaped by factors outside the control of institutions and students:

- While release dates are projected in advance, they are not guaranteed and can shift for reasons beyond a program's control.
- Even when no explicit legal barriers exist, discretionary and often biased hiring practices still limit opportunities for people with criminal records.
- Transportation, housing, and other structural and financial barriers affect PEP participants in ways that community-based students do not typically experience.

Applying the same placement threshold used for community Workforce Pell programs will therefore disadvantage high-quality WFP PEPs and may unintentionally discourage colleges from participating.

PEPs already undergo a multi-layered review process that includes PEP-specific accreditation oversight and an additional review by corrections agencies—the Best Interest Determination (BID)—which requires states to assess comparability to other programs, evaluate employment feasibility for incarcerated learners, and consider additional metrics such as job placement in the context of the totality of the circumstances. Workforce Pell should leverage, not override, this existing framework.

It is also worth noting that PEPs are excluded from Gainful Employment accountability metrics, reflecting ED's recognition that standard employment-based performance metrics do not translate cleanly to correctional settings. Workforce Pell should adopt a similar approach.

For these reasons, ED should implement an alternative standard for job placement requirements for PEPs, and should also continue to report job placement rates for accountability:

Proposed language:

§ 690.94 Components determined by the Secretary

(c) The Secretary may waive some or all of the requirements under paragraphs (a) and (b) of this subsection related to submission of completion rates and the Governor's certification of job placement rates if-

(1) The Secretary determines that completion or placement rates will be calculated under a separate process established by the Secretary; or

(2) In the case of the job placement rate certification described in 34 CFR 690.94(a)(2)(ii)(B), the Secretary determines that the Governor is making progress towards making such certification but needs an additional award year using the certification described in 34 CFR 690(a)(2)(i)(B); or

(3) The Secretary may determine that a Prison Education Program cannot reasonably meet the job placement rate in § 690.94(a)(2)(i)(B) due to factors inherent to correctional settings and may instead evaluate the program using an alternative process, including one established through the Best Interest Determination process under 34 CFR 668.241. For a Prison Education Program, job placement rates under § 690.94(a)(2)(i)(B) must be reported, but these rates do not determine program eligibility unless the State department of corrections elects to incorporate an alternative job placement rate—developed through the Best Interest Determination process under 34 CFR 668.241—into its determination of whether the program is in the best interests of incarcerated students.