

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
PRISON EDUCATION PROGRAMS SUBCOMMITTEE  
SESSION 1, DAY 1, AFTERNOON  
October 18, 2021

On the 18th day of October, 2021, the following meeting was held virtually, from 1:00 p.m. to 3:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MR. WASHINGTON: Language. So the only thing that is new is that is incarcerated or is enrolled in eligible prison education program as defined under 668.8. So I, I've heard a lot of the, you know, the comments and I just wanted to say that I understand that there will be based on the statutory framework we do we, we understand that there will be some students that that are incarcerated, or some individuals that are incarcerated that may not have access to Pell. And that could be because the postsecondary institution chooses not to offer a prison education program at that institution. Or perhaps that the postsecondary education program that the institution chooses to offer, does not fulfill the requirements of what will be our proposed definition of a prison education program. And so students would have to enroll in an eligible prison education program in order to access the Pell Grant. And consequently, the Department cannot require an institution to offer a prison education program at a correctional facility.

MR. SCHELLING: I see Stan has his hand raised. Stan.

DR. ANDRISSE: Aaron, thank you for that clarification. And, and, you know, to that point, I

think there's much to be discussed, on, you know, the prison education program, you know, what the, what that is defined as. And you know, who, who are we trying to help? You know, who does this really help? If you, you know, you include this, you know, we have this new law, but what percentage of people incarcerated people who would otherwise be eligible, are we really reaching? And, you know, does this equate to even making a, you know, what, what are we missing out on impact of potentially reaching students defining it, as we have it defined. If a if a, you know, we're now we're now we're still leaving it in the hands of institutions, to decide whether a person can pursue higher education, instead of leaving it in the hands of the individual, whether they desire and wish to pursue higher education. They have to be fortunate enough to land at a correctional institution that offers a program because that correctional institution is partnered with the higher education institution. So we are leaving it to two institutions that historically have not represented people that look like me. And, you know, that's, that's problematic to me, that we're not leaving it in the individuals hands for them to pursue. And, you know, if a person isn't incarcerated, they can, they can, if they meet all other eligible characteristics for Pell, they can get Pell. But

for incarcerated people were saying that they have to be at an institution that offers prison education, that that's problematic to me. And you know, who is this who is this really helping?

MR. SCHELLING: Aaron and Dr. McTier.

MR. WASHINGTON: Oh, actually, if Dr. McTier had his hand raised before me he can go before me.

MR. SCHELLING: Okay. Dr. McTier.

DR. MCTIER: Yeah, I echo the sentiments of Dr. Stanley Andrisse. Um, I will also add this, or just a question and in thinking about that last statement, or Part B, could a student or a prospective student who was at a facility that doesn't offer a prison education program, could they apply to another facility that does offer a prison education program and then take advantage of the Pell that way? It seems like there's, this isn't really clear, it seems like it yeah, it's not clear to me. Because if I was a student, I actually have had students at other facilities, who will reach out to my program, asking if they could take classes, and to even get transferred to the facility where I'm at so that they can pursue an education. And you know, going along the lines of what Stanley is talking about, we're going to miss out on a lot of students. Because of this, this clause that's in here, or this rule, whatever. Just

wanted to throw that perspective out.

MR. WASHINGTON: Thank you both for your comments. Okay, thank you both for your comments. I will take those back to discuss them further amongst Department staff. The this requirement is, is statutory. And I, I think that that's I can't so there's not that I don't know what the discussion can well, I'll take this back. But this this, this is statutory. And to add a little bit Stanley, I understand. I think that, you know, we do have other mechanisms that the Department can use in order to advertise or alert the community about the availability of prison education, availability of Pell for those that enroll in prison education programs. We are currently working with many stake, several stakeholders, many stakeholders, to prepare them for the implementation of the regulations that will be developed here. That could be through, there's potential for us to do webinars, workshops, partnering with other agencies in order to spread the word about these programs, to encourage institutions postsecondary institutions that want to offer high quality prison education programs to their students, the opportunity to do so. You know, provided when we complete regulations, we generally released sub regulatory guidance, like it's called Dear Colleague letters or Electronic Announcements. And this

goes out to 1000s of financial aid administrators around the country. And we also work with our colleagues at the Department of Justice, the Bureau of Prisons, Department of Corrections, to spread the word about the availability of Pell. So I think we also have other mechanisms to make people aware of this as well.

MR. SCHELLING: Stan.

DR. ANDRISSE: Thank you, Aaron, a couple of points. One, has the Department done an analysis to estimate how many students it potentially will have a positive impact on in terms of being able to get higher education or being able to have access to higher education? And to that same respect, have they done an analysis if they implemented in this fashion, how many students they will be missing out on? I think that number and I know, Vera has done, you know, has put out and Belinda, maybe you can offer a few words. I know, Vera has attempted an estimate of how many students can be will be impacted. You know, I think, again, so I offer I asked that request, I would like to see that data if it's available and if it isn't available, I think it's it you know, if there's a way to come up with that pretty quickly? I think it would help inform this process. The other question that I had is, you know, you you refer to this being statutory. I mean, isn't that what we're here

for to discuss the statutory language? I mean, you know, please help me understand further when you say is it statutory? Are you is that another way of saying that we can't change it? Is that what you're trying to tell us?

MR. WASHINGTON: You know, Stan it wouldn't be it would be helpful if I can get your specific question. I see Steve wants to weigh in. And then that way we can take it back and talk about.

DR. ANDRISSE: So, my specific question is, when you say it's statutory, that they'd be in, you know, so a roman numeral II D, says, "is enrolled in eligible post prison education program." So it is in the written language here that you say that to get Pell you have to be in a prison education program. Are you trying when you say that that statutory, are you saying that we can't change that and include something to this to the respect of what I've proposed?

MR. SCHELLING: Steve, do you want to address that?

MR. FINLEY: Sure. I mean, the short answer to that question is yes. What we can do is we can create regulations and we can change existing regulations to interpret provisions in the statute, but we cannot override restrictions that are in the statute. So when the statute says, you you can qualify for a Pell if

you're not incarcerated, or if you are if you are enrolled in a prison education program. The question then becomes what's the definition of prison education program, someone that's incarcerated and not enrolled in a prison education program is not Pell eligible.

DR. ANDRISSE Yes, and we can't be spinning around the same I I get that. So you've answered part of my question and that it is we cannot change the or, you know, then I'm a little bit want clarification on what we do have the power to change? As we're sitting here discussing this language, if we don't have the power to change that aspect, what am I taking time away from my job for if you're not giving me any power to do anything? So that that part, and then the other aspect of, you know, again, then it would be valuable to look at what who this will actually impact? And then, you know, if we can't change prison education program out of the language, then we really need to think about expanding prison education program, because from my experience and knowledge of the data, we are going to be missing out on a lot of people, if we leave it as defined.

MR. SCHELLING: Dave, do you want to go ahead and address that?

MR. MUSSER: Sure. I think it's a frankly, it's a really good question, Stan. As Steve



said, we are limited by the requirements that are explicitly stated in the statute. And this is one of them, that essentially ties Pell Grant eligibility for an incarcerated student to enrollment in an eligible prison education program. I think our discretion here is how we define for example, an eligible prison education program, how we define an incarcerated individual, as we just talked about earlier, we have the ability to clarify what what Congress meant by those things. And so I think that's where if we're able to address some or all of your concerns through those kinds of clarifications, that's that's the meat of the work that we'll be trying to do here.

DR. ANDRISSE: And I appreciate that clarification. And, you know, I would, you know, take aside the, I mean, I don't know, to what extent you can do this, but, you know, take aside your work hat. And think about it from a incarcerated student, the public perspective, or just a perspective outside of your work hat. You know, what you're you're given, we are given the task, and you all even more specifically, even more specifically, on figuring out how to implement this in the language. But I think it should be valuable for you to have the perspective of how many people are you really trying to help? I mean, if we're putting we're sticking,

we're, you know, how many people are we really trying to help? And, you know, I offer that to say, then, if we were restricted by this language, then we really need to think about how we make it most inclusive. And it would be helpful to have, you know, I will also look to pull up that data, because I've seen those numbers, and so I will look to pull that up. But I think to me, that's that's how do we help the most people with this with this here? I think that that should be our centering goal, you know, that we're sitting around this table to figure out how do we help the most people and in an equitable way, where they're, you know, receiving quality education, and, and that part we can't leave out, but how do we help the most people? And if it's, we're putting something together that's, you know, not with that intention, you know, I just I have concerned with that.

MR. SCHELLING: Aaron.

MR. WASHINGTON: Thank you for your comments. And I think, Stan, unless, unless you unless you wanted to continue on this. I think we, we we can take what you said back and discuss it more. Keep in mind that, as David and Steve and I have described, it's this this is a statutory change that is required by the the amendments of the Higher Education Act through the Appropriations Bill, I think we can potentially move to

the next section, but I also want to make sure that you had mentioned you had mentioned maybe a few other subcommittee members by name so I don't want to move off of this unless the subcommittee feels as though we're ready to move forward. But we have heard we do hear you, Stan.

MR. SCHELLING: Belinda.

MS. WHEELER: Thank you Stanley. Thank you my friend for for mentioning Vera. As you know, we are the consumer advocacy group representative here. The statistics I can definitely share them with you, Stanley and and the committee with the report that Vera created. You're 100% right, Stanley, the population that is currently served is tiny in comparison to the overall currently incarcerated the population that is currently incarcerated in this country. So I just want you to know, as a friend, colleague, that I 100% hear what you're saying here as someone who used to wear as you know, that educators hat and started a higher education in prison program at at Claflin, an HBCU. I got to see it on both sides of the of the situation. And I think, I think you're very right to offer up a moment of pause on certain things, like for example, when it says eligible prison education program, I can see where there would be a lot of potential red flags, I am very interested to

hear, when we go through to defining what that prison education program actually looks like, as we're going to get to that language momentarily. I'm very interested to hear that because as someone who's worn the educator hat, and is now wearing, you know, the, the nonprofit hat with Vera and the technical assistance that we provide, I think, holistically on both sides of that, that reality that I've lived, that I've seen a lot of different programs that look like they're doing exceptionally good. And it will be really nice to see if we can replicate those. I've also seen personally, and in other spaces, some that look like a bit of a concern. So I just wanted you to know, my friend, since you had mentioned it to me that I hear you I 100% understand that there definitely does need to be this in interrogation of an eligible prison education program. And I just wanted to say that I'm looking forward to kind of as a committee as kind of looking at that language, because that's that one really huge part of the of the document that really gets into the nitty gritty there. So just wanted to make sure that I mentioned that and thank you again, Stanley.

MR. SCHELLING: Stan.

DR. ANDRISSE: So one point to note is I feel that, you know, my my colleagues and I in the field that, you know, worked very hard over 25 plus years

to, you know, work to get Pell reinstated, I think we clearly have a lot more work to do, because the bill is, I mean, this limitation. Another hypothetical, a high school student, finishes High School is looking to get into college, he doesn't have to go find a particular type of program that is offering this particular subset of type of education. That person he or she simply applies and if they meet the eligibility of Pell, they can get Pell they can apply to any institution they want to in the country and get Pell. But we are limiting the you know, that we're not opening it up as if we're opening it up the same way that it's open to a non-incarcerated person. So we are leaving it on the you know, and Belinda, I appreciate your perspective. And what you you know, your comment, and I mean, you're still wearing the hat of a person who ran a program, you know, I mean, so the perspective that you offered was through Vera and through running the program, which I love Claflin. And I love what Claflin is doing. I should add that, you know, I'm very familiar with your work, but it's still as a person who's running the program, from the view of the student and incarcerated student, they are very limited. How do I even know about a prison education program? I could tell you from being a person who's been incarcerated, I would have no clue where to

start to try to find a program that is a prison education program. Like I don't, you know, I don't have any knowledge of this type of conversation going on right now that we're having, you know, we we're not thinking of it from the perspective of the student that is incarcerated of the person that is that is incarcerated.

MR. SCHELLING: Aaron.

MR. WASHINGTON: Stanley, I just wanted to pro to offer up some other type of programs that there are, well, just just one other type of program where there is kind of a distinction in a program that a student has to enroll in. This is kind of a tangent a little bit, but I just wanted to show you that there is that this is this is not the only place in the Higher Education Act or the regulations where a student would have to enroll in a specific type of program to access Title Four Federal Student Aid Pell Grants. There's a there's a provision in the Higher in the same section actually 44 that says a student without a high school diploma can enroll in a student without a high school diploma has to meet certain alternatives, right, they either have to take an exam or pay for a certain amount of credits or clock hours on their own or go through a process. And then after that, the student can enroll in an eligible career pathway program. And so so those

individuals without a high school diploma, would, would potentially be eligible to enroll in it, eligible career pathway program, however, they would not be eligible to enroll in any other eligible program that institution offer. And it was an eligible career pathing program is defined in statute, there's like, seven or eight different components to it. And so I just wanted to, to, to make to you make, I'm probably you might be aware of this already, I hope that I didn't say something you already knew. But I just wanted to let you know that there are other sorts of programs that also have other requirements that are that are that are tied to them that would limit a student's ability to enroll in the program in the form of programming. But I, I again, I definitely want to take this back to our senior leaders and colleagues at the Department to talk more about this. I think that we have heard a lot and we have been informed of of a lot by the subcommittee by you, specifically, Stan, and if you're if you if you are okay, we can we can move forward into the credit balance discussion. But if.

DR. ANDRISSE: I'm okay with that, but I would like if someone has the data specifically that I requested in terms of the number of people that it will potentially impact versus, you know, the number of people that it's missing out on I would like to have that data

brought to the committee.

MR. WASHINGTON: Yep, I noted that, that request. Okay. Vanessa, would you mind going to 690.62? I think it is, it should be all the way at the bottom. Yeah, that's it. Thank you, Vanessa. Okay, so, the 2021 appropriations bill amended the Higher Education Act to state that no Federal Pell Grant, shall exceed the cost of attendance at the institution in which the student is in attendance. If with respect to any student, it is determined that the amount of a Federal Pell grant for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the Federal Pell Grant does not exceed the cost of attendance at such institution. Keep in mind that the bill also made changes to the cost of attendance for incarcerated students as well. So postsecondary institutions can include tuition, fees, books, course materials, supplies, equipment, and the cost of obtaining a license certification or a first professional credential. So for example, if the students scheduled Pell award is \$6,000. That scheduled award just means a student is attending full time for the full year. And the student's cost of attendance is \$5,000. The law will require that the Pell award be reduced by \$1,000. as to not result in a credit balance, the \$1,000 reduction



would not count towards a student's lifetime eligibility use. For example, if the student received \$6,000, the student would have used 100% of their eligibility for that specific year. But because the order was reduced, the student would only have used about 83% of their eligibility for the year. So see, so we were just reiterating and our regulatory and our proposed regulatory language, we're restating the law that direct financial aid administrators to reduce to reduce the Pell award. And also we're saying that in C 1 romanette romanette 1 little romanette 1, we're saying that the Financial aid administrators, we're directing financial aid administrator to reduce any other financial assistance student the student got before reducing the Pell. But if that's not possible, then the Pell Grant must be reduced, so that the students', total financial assistance does not exceed the cost of attendance. A real world example of this is if the student receives, for example, both Pell a Federal Pell Grant and GI Bill education assistance, both forms of aid states ignore the other when determining the student's award amount. For some incarcerated students this would create a chance or a circumstance where the incarcerated student may receive a credit balance where the you know, and and that's what we're trying to solve for this language. So I will stop

there and open it up to questions. So I before I end it before I stop, this is also this is statutory. So this is something that is the 2021 Appropriations Bill amended the Higher Education Act and the Higher Education Act. This is this is something that's in statute that we don't have flexibility around changing this requirement. But if the actual wording on the paper the mandatory language that we're proposing, doesn't get to what I just described, that's what we'd be looking for. Comments, discussions, and new proposed edits.

MR. SCHELLING: I see no hands.

MR. WASHINGTON: Thank you, Brian. I also mentioned we discussed this a bit at the main committee when it came up. And the main committee negotiators seem to be, based on my explanation not having seen the administrative language, But yeah, he seemed to be I've resolved the issue as long after I explained that any reduction when it comes towards a student's lifetime eligibility use, so unless there any questions. Brian, do you see any?

MR. SCHELLING: No questions.

MR. WASHINGTON: Okay. So we can move to Vanessa. I'm sorry.

MR. SCHELLING: Terrell just raised his hand, Terrell.

MR. BLOUNT: Thank you. I just wanted to make sure for part two or number two, two I, if you will, is that is that applicable to both federal financial assistance and state financial assistance? Because I know you mentioned the GI Bill. But if a student is incarcerated in the state where state financial aid is not, you know, barred from them accessing it, is it the same that applies to that meaning that the if they're eligible for Pell and eligible for the state that they reduced the state first?

MR. WASHINGTON: Yeah, that's that's what it's saying. They reduce it first, so, like they so the financial assistance other than Pell must be reduced by the amount that the total financial assistance exceeds the cost of attendance, and then if the other assistance cannot be reduced, then the students' Pell would be reduced, to that point.

MR. BLOUNT: Okay, and as it normally, this is leaving students in the community is it is it normally, um, the Pell Grant is applied first, and then whatever state aid grants or, um, I know some colleges may have, you know, a pot of money for students who have financial need, is it federal first and then it kind of goes down, or is it um, the opposite?

MR. WASHINGTON: I'm going to call on

my colleague David Musser to describe the process for packaging.

MR. MUSSER: Sure, normally, when a financial aid administrator is packaging financial assistance for a student, they view the Pell Grant as the foundation for the aid package. The Pell Grant is you generally treated and the Department expects that it would be treated as the first piece of aid in an in an aid package. And other types of aid in many cases are reduced. If, if the combination of that aid plus the Pell Grant and other types of aid would exceed for example, the student's cost of attendance or for aid that's need based would exceed the student's financial need as calculated by the FAFSA or some other means of determining a student's financial need. So here, we are trying to account for a situation where as I as I said, in the vast majority of cases, Pell is not reduced when other types of aid are available. But we've become aware that there are some very limited numbers of occasions where the other type of aid itself cannot be reduced. And those cases we want to ensure that the student only receives aid that that goes up to their total costs for educational expenses.

MR. BLOUNT: Thank you.

MR. SCHELLING: No more other

questions.

MR. WASHINGTON: Okay, so Vanessa, would you mind going up to (inaudible) it says, you see 34 CFR 668.8 Prison Education Programs. And um, see um, right there, perfect. Thank you, Vanessa. So this is the section. So 668 is the actual section in the regulation, it's titled "eligible programs" like so if you pull up on a search engine and you type 668.8, it wouldn't say it would just say eligible program. But we're proposing to put the definition of prison education program under that section. So there's, so we start from and there's so this is not the beginning of the section. This is the paragraph N so there are A through M before this, but these are where we start to make amendatory language language changes. So for the first part of the first change that we're making, is just we say that for Title Four ACA program purposes, and eligible program includes a direct Assessment Program and a CTP program. And we're proposing to add this is a purely technical, we're proposing to add that an eligible program also includes a prison education program. I don't anticipate any questions on that. Okay. And then Brian just stop me if we, if you if we get questions, I'll keep going until we get some. So the second paragraph, paragraph O, this is this is where we begin a definition of a prison education

program. And this generally mirrors the statutory language. So if we just copy and pasted this from the actual law, there are two technical changes here. In the statute, we refer to sections 101, and 101, and 102, when we're talking about the types of institutions that will be eligible to offer, offer prison education programs. So we've changed that to 34 CFR 600.4, for public and nonprofit institutions, and we've changed that to 34 CFR 600.6, for post-secondary vocational institutions. And so we see this as also a technical change to the technical addition to the regulation. Okay, paragraph two also directly mirrors the statute. The Bureau of Prisons, State Department of Corrections, or other entity will provide approval for the institution to offer a prison education program at the applicable correctional facility. So this is also another piece that mirrors the statute. Okay. Okay, moving down to three, i three, row three, three romanette three little I, the coming paragraph three romanette two, we will see that the Bureau of Prisons or the State Department of Corrections or other entity must make this determination based on indicators which the Department of Education seeks to define to ensure that postsecondary institutions are able to offer programs while collecting the necessary data, particularly for instance, institutions that are not

already a Second Chance Pell site, or an educational program operating in a correctional facility that does not participate in the Title Four programs. The Department proposes to provide the Bureau of Prisons or State Department of Corrections or other entities with the flexibility in the initial two year period of approval during during which data collection may occur. We've.

MR. SCHELLING: Aaron, we have we have some questions.

MR. WASHINGTON: Okay. Let me finish this one statement, and then I'll turn it over to the question. So we do seek comments as to whether programs without relevant data in the first two years, and receiving this preliminary approval should face other restrictions, such as enrollment growth or expansion to additional locations.

MR. SCHELLING: Stan, and then Dr. McTier and then Belinda.

DR. ANDRISSE: So thank you. I'm not sure if um the best interest of students. I can't see where it is anymore. I think it's a three one, number three roman numeral one towards the "operating in the best interest of students." I feel as if you know what is

how, does that need a definition? I feel as if is that defined somewhere else, are we are we defining what that means?

MR. WASHINGTON: Yes, we will get we will get to the definition of a prison education program.

DR. ANDRISSE: Well, no, just.

MR. WASHINGTON: I'm sorry. Well, I'm sorry. I apologize. We will get to the definition of best interest. We're just not there yet. The next our next discussion will be on what best interest means I apologize.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: Thank you. So I just have a really quick question. So it seems like the Department is proposing. For A, B, and C, like rates are confined or incarcerated individuals continue their education post release, job placement rates for such individuals, earnings for such individuals. This is going to place a huge burden on PEP programs, because the DOC typically doesn't allow our programs to collect that information and/or data. So having this language in there for as a requirement for higher ED institutions to collect that is going to be problematic.

MR. SCHELLING: Aaron, did you want to address that?



MR. WASHINGTON: We're gonna get into that in a second. I wanted to see. Thank you for your comment Dr. McTier. I think once we get into the next section, and I kind of give some background on what we are proposing to do, I think hopefully that will answer your question. And so before jumping, I just wanted to make sure that we were-- to did anybody have any questions about three romanette one? The proposed offer rate, because we will, we will be proposing to define that what "best interest" means. And we have some ideas behind that which I will go through with the subcommittee today. We will we begin the process of that. But before we get into defining what best interest of student means, we are proposing because the programs may not have, or institutions that would like to provide a prison education program may not have the data that we would like to see under the definition of the prison education program under the definition of best interest. We were proposing to have a two year initial startup period. And that would be whatever data that the Bureau of Prisons, State Department of Corrections or other entity had already in order to still make that determination. But they're just getting a two year startup so they can come so they can then comply with how we define best interest.

MR. SCHELLING: Belinda, and then

Stan.

MS. WHEELER: Great, thank you. Yes, I did have a question. Several times in this section. You have the phrase "or another entity." I'm unsure what that means. And I would appreciate some clarity on that, because that could be very open. And I understand we need sometimes to have things open, but that I would appreciate some clarity, please.

MR. WASHINGTON: So that this is this was directly from statute. So the statute says has been determined by the Bureau of Prisons, the appropriate State Department of Corrections or other entity that is responsible for overseeing correctional facilities. That's direct language from the statute. If you Belinda, if you have a proposal for how we can better define or other "or another entity that is responsible for overseeing correctional facilities," that would be welcomed. But that was language taken directly from the statute.

MR. SCHELLING: Stan.

MR. WASHINGTON: And I'm sorry, and further if, you know, if if well I'll leave it.

DR. ANDRISSE: Yes to I mean, if I have a question, but to also add another entity responsible, I think, sounds to me that if it's not the

Department of Corrections, that is overseeing a correctional facility. And some, you know, again, to what we were kind of talking about earlier to leave it open. If there was a case where another entity is overseeing a correctional facility, I can't think of what that is right now, personally, but you know, I think my my reading of it, that's what that says. For instance, if the Labor Department is some for some reason running a correctional institution, my question is to 3(ii), you know, "an oversight entity's determination." What is there more definition as to what the oversight entity is, who that is, is it a third party entity outside of the Department of Corrections, as well as the higher education institution? What is this oversight entity?

MR. WASHINGTON: The oversight entity is, is the Bureau of Prisons, or state Department of Corrections, whatever entity is responsible for over for overseeing the correctional facility. I think it might be helpful if I provide the Department provide this subcommittee with some background on how the Department proposes to define best interest. And I wanted to, I'm going to read. So we're moving on to the romanette 2 3 1 romanette 2, where it says.

MR. SCHELLING: Stan has a question.  
Did you want to.

DR. ANDRISSE: I'm sorry to hold up the I'm still trying to wrap my head around this. So this is wording that is that is together to say that a Department of Corrections, be eligible to offer a prison education program, right? And we're leaving it up to the that Department to determine if it is, you know, it just seems like it's a conflict of interest, if it's not an outside entity that is helping to provide some of this. You know, maybe maybe clarification will come later. But I, I see, like a conflict of interest in that, but I'll give myself some time to try to wrap around what I'm, you know, you know, get a better understanding. Belinda.

MS. WHEELER: Can I default to David, and then I'll go after David, if that's okay, because he had his hand up first?

MR. MUSSER: Sure. I just wanted to quickly clarify that. This is another provision that is specifically derived from the statute, where the correctional facilities, the entity that's responsible for overseeing the correctional facility is the one that's responsible for making this determination. So however, we decide to regulate it, that will, that's the sort of foundational requirement that we have to look to in the statute. We can give some clarification about the kinds of things that they that such an entity has to look

at, the requirements for what they look at, etc. And all of these things, I think Aaron will explain in just a few moments. But foundationally, the the discretion to make this decision has been granted by Congress to the correctional agency that's responsible for overseeing the correctional facility.

DR. ANDRISSE: If I might add before, sorry, Belinda, just for clarification to what you just mentioned. So is this similar to how colleges for instance, you know, submit some information, you know, they have to receive accreditation from an accreditation entity, right? And they put together their package of the list of things that they need to get accredited. So it is, you know, that place of high the higher education university, college entity that is putting together a package to that is reviewed by accreditation entity. So it seems to me, are we trying to mimic that process to where the Department of Corrections is looking to get basically accredited to offer this college in prison program, a prison education program? Is that a correct kind of analogy, understanding, of what what we're talking about here?

MR. SCHELLING: Dave do you want to respond and then Belinda?

MR. MUSSER: Sure, so Stan, I actually

I think that's a very good analogy. All institutions must be accredited to offer postsecondary programs that qualify for federal student aid. And any program that is eligible for federal student aid has to be included in the institution's accreditation. That's also true of prison education programs. So in addition to all of this, that the program is also going to have to be included in the institution's accreditation and meet certain requirements for accreditation, that again, we'll get into in just a minute. But your I think that you this, it's still a good analogy that in addition to accreditation, a prison education program will have to be determined by the correctional agency to be in the best interest of students. And when the institution submits appropriate at one of these programs to the Department for us to approve, or when they report them to the Department, the Department will look to see that number one, is this included in the institution's accreditation? And number two, has the correctional agency determined that this is in the best interest of students? And if the program meets both of those criteria and meets all other eligibility criteria, then the Department would approve the program. I'll pause there.

DR. ANDRISSE:: And so that that leads me to my conflict of interest. So with with the

accreditation process, it is a third party entity that that is involved. You know, I just if the Department of Corrections, if there's a, it is up to the Department of Corrections to decide if they want to offer prison education, if a particular Department of Education is like, I don't care about these incarce like education for incarcerated folks, I'll pass. Then all the people in that particular institution are missing out on education, because the Department is the one that is making the Department of Corrections is the one that is making the decision of whether education, you know, is being offered, you know, they obviously need to be part of the process, but giving them the full power of the process is problematic.

MR. SCHELLING: Aaron, did you want to address that or do you want to go after Belinda?

MR. WASHINGTON: Please go, Belinda. I think Belinda has been waiting.

MR. SCHELLING: Belinda.

MS. WHEELER: Yeah, no, thank you.

Um, I reiterate a lot of the same sentiments that Stanley has brought up here, Stan, sorry, has brought up here I I do want to ask for ED to consider four Section three, one and section three two the roman numerals. I understand that this is statutory language. So I understand that a

lot of this really just has to stay as is. I would like to identify this as an area just like earlier where I'd mentioned about the accreditation and additional location, I wonder if this could be an area that we could highlight, potentially to have some additional information being brought here? I think that, you know, this is a really unusual situation and I'm so glad that we're being proactive, as opposed to reactive, but we've never seen corrections, education, accreditation students all kind of being in this place. And again, you know, I'm really glad that we're being proactive. Want to make sure that with these two sections that you know, Stan and I and others have kind of pointed out that there there is, although the statute is clear, the actual reality of process, you know, might be something a little bit different. So I just kind of wonder whether or not we could highlight this is potentially being some space where some language could be put in because if it's read in certain ways, it might have people such as corrections, thinking that they've got, you know, carte blanche on here. And we all know that this is going to be this unusual situation with the FAFSA Simplification Act and the the language approved by Congress that we are going to have, quote unquote, strange bedfellows, we're going to have education, you know, we're going to have



corrections, we're going to have the institutions, you know, in every prison education program. So just wanted to see if I could highlight that as something that we could kind of put a little ring around that because I think something additional perhaps needs to be put in here.

MR. SCHELLING: Aaron.

MR. WASHINGTON: Thank you for that, Belinda. And we welcome any language as we go along. We welcome any language suggestions that you have. Stan, I wanted to say you you are correct. If the Bureau of Prisons, State's Department of Corrections or other entity does not approve the program to operate in the correctional facility, then students would not have access to that program, they would not be able they would not have, they would not have access to Pell to enroll in the program. Sorry. So to make it more like to better state it so the bureau like that, as David mentioned, that is a statutory requirement and so we're going to what I'd like to do is move on and not move on, but move into how the Department sees defining this for the State Department of Corrections and Bureau of Prisons. So that it does offer some sort of standard or guidance on how to how the Department would define that they determine that they make these determinations. Alright. Okay. So

authorizing statute states that the Bureau of Prisons or State Department Departments of corrections will determine if each prison education program is operating in the best interest of students. The determination is important without it a student enrolled in a PEP cannot access Title Four aid. But we also know this is a new role for the Bureau of Prisons and State Departments of corrections. I'll just probably say BOP and DOC as I as I read this, so I don't have to I don't keep saying the acronym over and over again but and we want to provide clear guidance to the field about what that means. To define this term, the Department proposes to benchmark the indicators provided by Congress against a reasonable assessment of the best interest for students and require prison education programs to meet those standards. We propose to require that the best interest interest indicators are that our inputs meet the same quality as some of the programs at the institution or in their state. Those indicators are experience, credentials, and rates of turnover or departure of instructors, also the transferability of credits, and if the institute if the program offers relevant academic and career advising services. We propose to require that the best interest indicators that outcomes be benchmark, be benchmarked. The Department will provide a standard that the indicator

may be compared or assessed. Those indicators are: rates of confined or incarcerated individuals continuing their education post released, job placement rates for such individuals, earnings for such individuals, rates of recidivism for such individuals, and we also propose to add an additional indicator for completion rate. Only a little only a little bit left. The Department believes that defining this process, that through defining the process the BOPs and the DOCs will use to determine if the PEPs the Prison Education Programs will be we think that this will be a strong tool as we defined the process to ensure that programs are operating in the best interest of students. It will ensure consistency in the BOP,DOC determination without and without clear clear definition and may lead to subjective standards by which prison education programs are approved and impact the program's overall integrity. The Department ultimately seeks to ensure that students benefit from their education. For this discussion, the Department will listen to you all as expert experts and I will likely take many note many of your questions back to discuss amongst my colleagues at the Department. And to be clear, the Department intends to define the indicators and after we hear and read your ideas that you may email to the group and in between the first and second session the

Department will provide proposed and mandatory language to define indicators. So, I will pause there for your reaction.

MR. SCHELLING: Stan.

DR. ANDRISSE: Thank you. Um, in regards to the indicators and you know sorry with regard to job placement and earnings for instance, what consideration and you know, how would you take into consideration the collateral consequences that are in place that bar individuals from job placement and earning? So, you know, a program prison education program may be doing a great job at providing quality education, but it is not their fault that their student that graduated you know, has trouble finding a job for instance or earnings are lower. It is it is known that formerly incarcerated people have you know, complications with employment and that their earnings are less than non-formerly incarcerated individuals. Additionally, you know, we have through our program, really tried to, you know, inform our correctional partners and other partners about the aspect of recidivism and and the value of tracking recidivism and you know, putting so much or at least putting so much emphasis on recidivism. Again, you know, someone can have completed a program, and, you know, there and not have recidivate it, but is living

under a bridge homeless without, you know, without a good job or earnings, right? So, what is recidivism, what usefulness is recidivism, just because they haven't committed another crime, for instance, or, you know, been reincarcerated, if the quality of life of that individual hasn't been improved? So, you know, I have, you know, I would like, you know, just to bring that particular aspect to the table and think about the earnings and job placement, and you know, how we can think about the consideration of the other collateral consequences that may impact, um, those indicators.

MR. SCHELLING: Belinda.

MS. WHEELER: Yes, thank you. I wanted to reiterate a lot of what Stan had mentioned there, too. One, I actually have three short questions, which I'll just kind of put out there. I would appreciate really understanding who is going to track this information? Is it like the alumni of an educational, you know, and they report that to corrections? Or is this part of the accreditation? I'd really like to understand who's tracking this info, in addition to the concerning questions. And again, I know that a lot of this is in the FAFSA Simplification Act, it's already passed through Congress. But I'm still curious about who is actually tracking this, how that and also the equity involved in

this, you know, if you've got a very small program, you know, there's going to be when, when Pell for all becomes available, we're going to see some huge educational institutions that have a lot of resources in this space to do all sorts of tracking of whatever's needed, but we're also going to have, you know, smaller educational programs that may not have those resources. How are we going to make sure that equity is kind of kept in mind here with with both the students are being served, but also the programs that are doing it, and while still maintaining that same quality? As Stan has mentioned, you know, just where, where's that equity value, and I want to, that's something that we're always talking about at Vera and the technical assistance that we provide the 130 different programs, but also talking with other constituents, such as SCEA and the Jamii Sisterhood. You know, this was a this was a really good point that a lot of different constituents have kind of brought to me about how equitable this is. And then also, this goes back to an earlier question that I'd mentioned about this whole idea of waivers and potentially, and an educational institution that is granted a waiver. If they are asked that waiver is actually withdrawn, are some of these indicators, some of the responses to these indicated questions, are these going to potentially be some of the

reasons for a waiver being revoked? That's all I had to say. Thank you.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: So I may have jumped the gun a little bit earlier. But I just really wanted to reiterate the point that this places a huge burden on PEP programs, again, to collect this information. And the reason why that does that is because most DOCs restrict access to contacting individuals once they're released. I know my my institution, currently we were fighting to have access to students who are released back into the community to at least get their information, their phone number, their address, and all of those things. And the DOC says they don't want us to contact them. So how do we collect job placement rates and potential earnings as well? The other piece of that is, what about students who are released and then they're required to go to like mandatory treatment centers, post incarceration, for a extended period of time, this doesn't capture that, essentially, we will be failing based off the language that's proposed here, because we can't collect that information. And the individuals can't even get a job. I think the other piece of to this and I'll yield my case, is the fact that we're still contending with a lot of state laws around employment. If you have a certain type

of crime you most likely won't get employed. I think about my students who have sexual related offenses, they, no one's going to hire them. I shouldn't say no one's gonna hire them. But there is becoming very, very difficult for them to find employment. Once they're released from the communities, right, it looks like the metrics will not look good for PEP programs. Just wanted to put that out there.

MR. SCHELLING: Thank you. Aaron.

MR. WASHINGTON: I thank you for those comments. Some of the things we heard from Stan where you know, specifically on recidivism, taking more than just a return to prison. I'm sorry, Stan did you want to say something? Right? Oh, okay. Okay, taking things taking more things to account just not only if a student returned to prison, but particularly they returned like if they were homeless, you know, that could be something that the Department would want to look at. Belinda, will-- you asked a few questions, Who will track equity and about the equity? I wanted to go through each of the Departments proposals with you all today or start going through them so I hopefully when you hear the proposal, I will start, you know, with, let's see, the first thing is rates of confined or incarcerated individuals and their continuing education possibilities. We'll start there,



and I will I will tell you what the Department's proposal is. And then hopefully you can provide more feedback to us based on that. If the waiver is revoked, we'll be well some of these things play into it? It could I mean, as we saw the the we the 25% cap waiver on on exceeding 25% of students that are were enrolled, we saw that if the institution violated any parts of the definition, that could be a potential for revoking the waiver with the 25% waiver. We'll also I also see, I believe it's in paragraph 12, or 13. I'm sorry, I will that will be that paragraph 13, that the secretary can also withdraw approval of a Prison Education Program, if they violate any other terms of 668.8. And then to Dr. McTier's point about the burden, I hear I hear you, and I think that once we start going through the proposals, maybe you can provide us more information. I think you'll see that the Department has thought in many of our proposals to, to use our data sources that we have readily available to make these to define these indicators, as opposed to pushing the majority of the burden onto the Bureau of Prisons, the State Department Education. So we're (inaudible) define it and I think you'll be able to see through some of our our benchmarking that we're proposing to use data that we have.

MR. SCHELLING: Stan.

DR. ANDRISSE: Yes, thank you, Aaron. So, it sounds if I hear correctly, this these indicators and benchmarks, we do have room to provide the language and the language for that correct. So this is something that was left open within the statutory to be clarified. Am I correct on that? MR. WASHINGTON: Correct. That's what we're seeking to do right now. I just want to clarify as well, the, there most of this language is directly from the statute. So what we're proposing to do is, is add language so so you'll see where you see like earnings, earnings or job placement, that is just copy and pasted from the statute. That is not that is not language the Department that the Department has proposed. And then so during, during this, what we're proposing to do during the subcommittee meetings, we're going to we're going to try and either develop language here, or take your comments back between sessions one and two and provide that language. So for indicators A, B, C, and D, that is language that is taken directly from the statute. For indicators, E, F, and G, most of the beginning portions are taken from statute, and we've just added a little bit as a framework, but we can also hear your feedback. You see the general idea of what we'd like to do and and maybe we can add more language or make things more clear, but we generally the overall framework of A

through A through G. Is in the statute.

DR. ANDRISSE: Yes, but you know, for instance, with job placement and earnings as I was, we we have room to where we can define, you know, to both Dr. McTier's point, um, it may, they may look like their program is not succeeding, if they have, you know, a number of individuals with offenses that are harder to get jobs for. So how do we how do we correct job placement? You know, so what, when you say job placement rates, is there going, what is the benchmark or, you know, are you looking for 20% of your students 30% of your students place in a job within one year? You know, what, what are the benchmarks? And then I think there needs to be language, to specifically acknowledge that there are real barriers in place for individuals with criminal convictions. So, you know, there needs to be the acknowledgment of that somewhere, or we need to think of language that will acknowledge that there's these barriers in place. So if you shoot for 30%, but then your program has 100% of the students in your program, have, you know, are individuals with sex offenses. There needs to be data that supports that these these individuals with this type of crime, have the hardest time of getting job placement or something to that nature. You know, I think that we just need to be factoring the collateral

consequences of incarceration into these metrics and indicators and benchmarks that we create. And and to that point, I think it would be, you know, it would be valuable to provide you say that, you know, the research and data that you have available, if you could provide those for the different benchmarks and indicators that will be very helpful.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: Yeah, I just want to know who-- it doesn't really specify who's going to collect this information and then where does it go? And then how is this information going to be used? I think there needs to be a level of clarity here, within this. And then, you know, it seems like this stuff is being written as if people are oblivious to the trials and tribulations that people with criminal records face in society. Some of this stuff is unrealistic and it's just setting us up for failure. It's kind of frustrating, because I'm just sitting here thinking like, golly, I'm looking at my alum who are struggling to find employment, struggling to, you know, just make ends meet with housing. And, you know, it seems that like, there's a huge disconnect between reality and what we really want them to do this doesn't this doesn't account for reality.

MR. SCHELLING: Aaron.

MR. WASHINGTON: I think, you know, one of my colleagues had recommended that we actually pull up the statutory language for people on the actual and project it out to the audience. And I think that, what what I can do is try and come back to that for tomorrow morning, when we were tomorrow morning, we're planning to have this, you know, to spend at least two hours on this specifically this discussion. But I just I think it would be helpful because to pull up a statutory language, because, again, these A through H are A through G, I'm sorry, are are specifically called like written in the statute Congress specifically delineated a number of areas where programs have to meet requirements. And so we seek to define them during this and so maybe what I can I see more hands I was I was gonna propose, like, just before I was gonna propose that I just start going through each of them like so I will start at A and I will give you I will provide you all with what the Department's idea what idea what ideas are for them, and then we can then you can provide your comments based on having that concrete knowledge of what the Department is proposing to do. I think we can definitely get maybe we can definitely continue this conversation. I want people that that's why we have this last hour to just kind of talk about it. And maybe we just everything, maybe

instead of me going through the Department's proposals, people can, you know, can just state their opinions on what it should be today. But we do have proposals, just just so you all know, and I can start going through them whenever you whenever we get through the first reactions to this piece of the statute.

MR. SCHELLING: Stan.

DR. ANDRISSE: Yes, I'm, I'm open to moving forward and the way that you proposed, Aaron. And I just want to clarify, you know, putting the statutes up would be helpful. I mean, I, you know, personally understand, you know, what you're mentioning, and I think it, you know, we're wanting to clarify this, this statutory language. And that goes into, it's not to say, I'm not saying that we need to remove job placement, or earnings, I'm saying that we need to further define what we mean by that. And I believe we have that flexibility if I'm understanding correctly?

MR. WASHINGTON: The Department's intent is to define each of the indicators. Yes.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: Is there a way to for us to put contingency plans in this if certain programs don't meet whatever these benchmarks are? I feel like again, if we can't change the statutory laws that are

already in play, well can we put some of these some failsafe mechanisms for our programs who might not be able to check a lot of these boxes?

MR. WASHINGTON: Well, that's what we want to talk to you all about. And so we can get your you know, your ideas on what the proposals on what those what that should be and you know, and again at their concepts or actual language. I think that for this section specifically, you see, we provided a lot of amendatory language, for this section specifically we did not because we really wanted to rely on the experts in the community, to the people that we selected to be the representatives of the constituencies to provide us to provide us with direction or language or concepts, things that we need to make sure we take into account when we get to draft when we draft this language. So, I think with that we can probably start. Let's start with, let's start with the, let's see, I'm sorry, I'm getting. Okay, let's start with the Continuing Education Post Release. So, the rationale for defining the rationale for defining this is that we want to continue we just wanted we want, you know, we want to know, you know, if students are continuing their education, post release? And potential calculation for this would be the percentage of students who re-enroll in higher education within a certain number

of years. And a potential benchmark, could be to compare the rates of confined or incarcerated individuals continuing their education post release to the overall transfer or continuing education rates at the institution. A data source could be that ED could potentially calculate rates of re enrollment for prison education programs, so the Department would calculate it. But that will require additional reporting to do so. To the extent that students re-enroll in the institution, they attended as a PEP, they could calculate and report rates of re enrollment. So they're so the depart there's a there's an idea for the Department to calculate this rate or, you know, to the extent that students re enroll at the same institution, then maybe the institution could calculate the rate as well. And then the cohort, we would define, the Department would seek to include only students who will be released in the cohort. So that's our idea behind them, A, and that's kind of an overall framework. So I'd like to get your thoughts on that.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: I don't like that. What about the individuals who are not returning back to the community where the school is located? How are we going to account for those students? It just, yeah, again, it's going back to this point that a lot of the stuff that is



being implemented doesn't make sense. So I'm not a fan of that that suggestion.

MR. WASHINGTON: Okay, so I did, I did mention that the Department could also potentially calculate a rate rates of re enrollments using our internal systems. For example, you know, we have several, we have a database that can that tracks, aid to students. So potentially, we could use that to track if a student re enrolled in a program post release, of course, we would need to know, likely but if the student was released, and then if the student received Title Four aid after that date, that would indicate that the student re enrolled in a program like if they received the Pell Grant or federal loan, so. So David would like to say something as well. So.

MR. SCHELLING: Yeah, or Belinda. But Dave-

MR. WASHINGTON: Sorry, I didn't mean, sorry about that.

MR. SCHELLING: No, that's alright. Belinda.

MR. MUSSER: Go ahead, Belinda.

MS. WHEELER: I was just gonna clarify. Sorry, I was trying to get it back to you, David. First, so just to clarify, again, everything comes

down to this equity and who is going to do it. So I did hear you say, Aaron, that there is potentially a way that the Department would do some of this, some of these data, working out determining the rates of continued education post release. Is that what we're thinking? Or were you also potentially thinking of like so financial aid would let alumni know, like the Alumni Association and, and again, also with if someone's in a state facility, and then they go to federal, I'm just trying to connect the dots is all and making sure that it's equitable. So I would appreciate some clarity on that.

MR. SCHELLING: Dave.

MR. MUSSER: So Aaron mentioned at a high level the Department's capabilities with respect to a with a we're talking about confined or incarcerated individuals who have been released and who subsequently continued to be enrolled in public Secondary Education, The Department does maintain enrollment information for a very large percentage of students who ever received aid previously. So if a student receives the Pell Grant, while incarcerated, the institution generally will report that student their enrollment to the national National Student Loan Data System. That system tracks enrollment for, essentially any individual who received Title Four aid, and then thereafter, it typically will track

enrollment for those individuals going forward, even if they don't receive aid subsequently, at institutions. So one way that we might be able to calculate this rate at the Department would be and I think Aaron mentioned it before, the key would be to know which individuals had been released. Once we know which individuals had been released, the National Student Loan Data System will generally have their enrollment recorded, and the Department could calculate that rate based on that enrollment information. So that is one that the Department could take a large part in in calculating.

MR. SCHELLING: Kim, did you still have a question?

MS. CARY: I would like to say that I would agree that the COD origination area would need, or the NSLDS would need to be the place to do that. I don't see any other way that it would be the resources that the institutions would not be available for us to maintain that kind of followthrough. So I would encourage the Department to look at it from the COD or NSLDS perspective.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: I will also raise this question, what about institutions that ask criminal history questions that criminally screen out students

with records? This will be kind of counterproductive as well.

MR. SCHELLING: Belinda.

MS. WHEELER: Perhaps just another clarifying question here? David, I did hear you say about one of the ways that the Department could end up doing taking care of the bucket for this kind of work is that you would get information from corrections to then determine who would-- you know so that you can start kind of tracking? I'm not a FERPA expert, but I just wanted to clarify, like, is this something that would be a FERPA issue? And would that be something that the educational institutions would have to get a special release for for FERPA so that then that information could then be shared? Just trying to piece together the logistics.

MR. MUSSER: Not being a FERPA expert, I don't want to speak specifically to that point. However, the Department if we if if we decide that, that that having the Department calculate this rate, is the way that that we want to go. I think what we would do is in that analyze all of the different privacy considerations and the laws surrounding those considerations to make a determination about number one feasibility, but number two, if it's feasible, what what kind of steps need to be taken, for example, seeking the

students consent before for doing any of these things before we actually went down this road? But I would defer to our FERPA attorneys before saying anything further on that point.

MR. SCHELLING: Stan.

DR. ANDRISSE: Yeah, I mean, so Belinda hit, you know, on the point that I mentioned earlier on the idea of the conflict of interest with having this in the Department of Corrections' hands. I mean, it would seem to me that, you know, that is a very valuable, valid point about FERPA and being able to get some of this information about the students. But that also just brings to the further point of, you know, what I was, you know, moving towards is that Departments of Corrections, you know, it just seems odd. And if there's ways that we can clarify that, you know, we're we're putting education in the hands of the Department of Corrections. The Department of Corrections was not created, designed, meant to oversee education. You know, so it just, it doesn't seem like-- it seems like if we are going to have them involved, they should not be the main overseer, they should be partner maybe. But that, you know that they're not they weren't designed to do education there they are the Department of Corrections that you know that that's not what they're designed to do depart-- I mean, however

educational institutions were, that is their mission that is their design. So, you know, it just, I don't quite understand why the educational institution wouldn't have a say. But then again, you know, to my conflict of interest aspect, I mean, then there's there just needs to be, I see there needing to be a third party entity, and all of this, like it needs to be collective. There's just a lot of conflicts. If the, you know, there's just there's a lot of conflicts that are in play. And I would just concur with Belinda's aspect of, you know, this might be a couple of these might be FERPA issues.

MR. SCHELLING: Aaron.

MR. WASHINGTON: Thank you. I just wanted to reassure everyone that this is a collective process. I think we mentioned earlier, this schools, the institutions, actually we'll see later, there's even if it goes even further in statute, but the school must have be authorized by the state, they have to be accredited. Also, there are certain parts of the statute that require that the that the schools not have different certain negative actions or adverse actions that were taken against them in the last five years by the Department that they are, they're correct, or the accreditor. So this is a collective process. The Bureau of Prisons and State Department Corrections are they have the statutory

authority to make the determination whether a program operates in their institution they oversee, and they don't make that they don't make the determination that they that the programs can operate in the facility, then the students there can't access Title IV aid. So so but the process is not only in the hands of the BOP. Now they do say if the program can operate in the correctional facility, but you know, there are still other players, there's the Department, there's the accreditor, there's the state, as well. And there's the student themselves. And I think that that's that's essentially what I want to stay, I'll stop there.

MR. SCHELLING: Belinda.

MS. WHEELER: Great, thank you. I will say just as a side note, I've got a lot of questions about adverse actions later on Allen, Aaron, but I know we're not at that section. So just to clarify, okay, so it sounds like we potentially have a route for point A? Potentially, I put that in quotation marks, quick clarifying question, once that data is collected, so say, for example, the Department takes that bucket and they've you know, they've cleared all the FERPA whatever the situation is, once that data is collected, how does ED potentially see that data being used? Again, does it go back to the waiver? Does it go back to accreditation? You

know, I'm very curious as to where that data point then goes and what it means to which entities? Thank you.

MR. WASHINGTON: Yeah, so for the for the standard, for the consequence, for how the data is used, we we we wanted to reserve that conversation for the second session. I think the first session, we really wanted to just hear from you all, more about the Department's proposal, you know, and ensuring that we are able to define it in a way to, you know, provide a framework for the Bureau of Prisons and state Department of Corrections. We we right now I'm hearing that the Bureau of Prisons and State Department of Corrections cannot do this. They cannot This is the statute, the statutory, this is the statutory framework is not it will not be easy for the BOP, DOC to implement. And therefore, the Department is saying, we'll just, let's let's define it as a subcommittee. Let's give them the guidelines. Let's define the guidelines to which the Bureau of Prisons and state's Department of Corrections will determine if the programs can operate in their institutions. So we that's the definition that we're creating to provide the Bureau of Prisons and DOCs with the framework. And we will definitely we'll definitely talk about the consequences and the actual standards. But we want to kind of get good get your ideas on like the



benchmarking first. Thank you. Thank you.

MR. SCHELLING: Dr. McTier.

DR. MCTIER: I just want to say I think that there's so much power being given to the prison, as if we don't know the relationship that they hold with incarcerated individuals and with higher education institutions. Essentially, it's making it impossible to, you know, provide quality education, whatever that quality is, or even provide an education in general, because we're relying solely on what the prison is willing to do and what they're going to do. I can tell you as a director of a prison program, it is sometimes very difficult to just even get a regular document signed. And so adding these these measures in there and then saying, we're going to allow the DOC to make these decisions, collect the data, and all of this other stuff, it's going to be a nightmare. And so I just don't support that all of these things are going to be ran through the DOC. I do agree with Stanley that there needs to be an equal playing field with, we can add Department of Education or someone else on the decision making process. But just giving the DOC 100% of the power, I'm not a fan of that. It's already hard as it is, and then adding all of these other requirements is going to be stressful, not a fan.

MR. SCHELLING: Stan.

DR. ANDRISSE: Yes, thank you, Dr. McTier. I certainly agree with you on that aspect of the difficulty, it's going to propose to people in your position. I wanted to just bring another thought to the committee. So there are programs like Dr. McTier's, and many others that have better Second Chance Pell sites that are already doing this work. And that will work to fit the new regulations, what they might whatever they whatever they might be as we come up with them. What about the programs that weren't Second Chance Pell sites? What is what was the idea of how these will be created? Is it I mean, is the idea that the thought is that the DOC that wasn't offering, you know, that doesn't even know these committees are going on right now. There's some director in Idaho, who has no idea that these types of these conversations are going how do we get prison there? You know, so what, you know, as we think about this, the DOCs aren't thinking about the individuals getting education as much as the incarcerated individuals themselves are. You know, so we're leaving it, I guess my question is, what do we propose was going to be the process? Does some director at DOC say I want to bring education to our institution? Or is it a higher education institution that says, I want to run a prison education

program? So they talk to a DOC, or, you know, what, what is the process? And both of those processes, by the way, are not including incarcerated individuals in it. But you know, who how are new programs going to be started up? What is the thinking behind you know, we've this bill is in place now, how are we going to start new programs?

MR. SCHELLING: Aaron.

MR. WASHINGTON: Okay, I can respond to that and if the response is we can have a dialogue about that. I mean, if you if you Stan you if you deem this response sufficient, I think we can move into the Department's proposal on job placement. But, but the process will be that the postsecondary institution that wishes to provide the prison education program will seek approval from the Bureau of Prisons, or the State Department of Corrections to operate in their facility. The Department cannot force, I think I've stated that, but the Department cannot require, sorry, that's a postsecondary institution offer a prison education program. So that will be the first step. If I'm a school, I want to I if I'm a school, I go to the, the correctional facility I'd like to operate in and I say, I have a proposal for prison education program, here it is, the Bureau of Prisons will then based on a definition that we based on the definition that we develop here

during this subcommittee, the Bureau of Prisons will review it. To for the for their first two years, they'll use whatever information they have available to approve it to determine that it is in the best interest of students. And then after the first two years, they will base their determination on the definition as proposing as the proposing regulation. After that, for the first program, the first two additional locations, the institution will be required to apply to their accreditor. And their accreditor will have to evaluate the program. They'll also have to do a site visit, within a year, and then they will also have to review the methodology behind which the institution, well, the proposed the proposal is they will also they're proposing that they also review the methodology behind credential, instructors, transfer, transferability of credit and academic support services. Then, after that, the institution will apply to the Department of Education. And that's also we've also outline that proposed in proposed regulatory text, how institution will apply to the Department for the first program at the first two additional locations. And so that that is that that would be the process for.

DR. ANDRISSE: So, thank you, that's very helpful. So it sounds that under the way that it was

designed, that it is the higher the higher education institution, that I mean, DOC could potentially go to a higher education institution saying, would you be interested in the higher education institution? Then says, they could be interested. I'm just my thought is, again, to the the idea of how do we impact more people? And so it seems that I mean, I know you, you mentioned there that you can put out Dear Colleague letters, but how does how does an institution of higher education even know that they can move into this space? You know, how are we going to actually increase the number of incarcerated people benefiting from this? You know, are we, you know, should there and, you know, again, I'm not an expert in the way these the wording needs to be. But I mean, don't we think, don't we need that consideration? Is there some type of advocacy that will be done to let you know, how are we going to let higher education institutions know that this is a space that they can move into? I mean, we've now reinstated Pell but then if nobody knows, if no institutions of higher education know about it, you know, how are we increasing the number of prison education programs?

MR. SCHELLING: Dr. McTier.

DR. MCTIER: Yes, I just want to maybe raise a solution. If the DOC is required, or if if that's

what the Department of ED is requiring that the DOC have the power to collect this information and whatnot, is it possible that we added additional language requiring DOC to work collaboratively with stakeholders? And to approve or deny based on majority vote within that group? Is there a way that we can add that language to what's already proposed?

MR. WASHINGTON: I can take that back.

Dr. MCTIER: Please.

MR. WASHINGTON: If you wanted to provide that in an email too just if you want to add anything to that I can take them back to discuss further.

DR. MCTIER: Cool, thanks.

MR. SCHELLING: Dave.

MR. MUSSER: Yeah, this was just a follow on to the earlier discussion by Stan about how institutions would become aware that this was something that was available to them that they were allowed to go into prisons and offer prison education programs. FSA is working on a variety of different aspects of the implementation of these provisions even now. And one of the things that we've already identified as something that will be crucial to doing this well, is technical assistance, both to correctional agencies and and prison facilities, to help them understand what the requirements

will be once they've been fully decided by by this group and the Department. But also training for our postsecondary institutions. FSA has a lot of different avenues by which we provide training, both in general in what we have a federal conference every year, but also in through webinars, through announcements of new requirements, or new authorities, that sort of thing. So we do plan to make institutions aware in a pretty broad way of this new authority, and all of the requirements that will go along with it as part of the implementation of this prior to July 1st, 2023.

MR. SCHELLING: Go ahead, Aaron.

MR. WASHINGTON: I think it would be helpful before we end today to just walk through the actual statutory language and I I'm aware that David would be willing to project it. If not, I have it I-

MR. MUSSER: Sure, no, I can do it.

MR. WASHINGTON: Okay, okay. I think that would be helpful. I don't, I don't want to I want everybody who has their hand raised to be able to make their statements for sure, but we do because we get three. I kind of wanted to quickly run through the statutory language just so people can see it for like as a foundation of our of our, thank you David. But I think, Brian, you'll say who was next to speak before I start

that.

MR. SCHELLING: Dr. McTier has his hand up. Did you want to get something in before we go-?

MR. WASHINGTON: No.

DR. MCTIER: No, sorry. That was still-

MR. WASHINGTON: Oh, okay. Thank you, David. Alright, so I think we can see here that the first portion of the the first portion of the statute is just saying what prison education program means and the term prison education program is an eligible program, under this title offer that Institute of Higher Education as defined in 102, section 101 and 102. That will be we already talked about this, that is the the public or nonprofit and vocational postsecondary institutions. So we've, so essentially, we've copied and pasted that from the statutes, the regulation. Then, we can see it goes on to say it's offered by an institution that has, has been approved to operate in a correctional facility by the appropriate State Department of Corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons. And I know there was a lot of conversation around what other entity meant or why the Department chose to put it there. And as you can see, here, it is a it was directly a copy and paste



from the statute. There was a slight change so that romanette three has been determined by the appropriate State Department of Corrections to be or DOC, BOP to be operating in the best interest of students. Based on we've changed that a little bit from the amendatory language, because we said that we know that the Bureau of Prisons and State Department of Corrections won't have a lot of data on upon startup. So we actually we changed it to allow for two year startup, initial startup period, and they can use whatever data that they will, they will want to or had access to, in order to make that determination that they are operating in the best interest of students. You can see if you can scroll down a little bit there David, you can see all of the indicators here. You can see the individuals can have students continuing education post release, their job placement rate, their earnings, rates of recidivism, those were copy and pasted directly from statute. And then also you can see for five through seven for the experience, credential experience and credentials of instructors, the transmittal of credits, and offering relevant academic and career services. Those were copy and pasted from statute as well. But in the regulation, we just added a slight framework about how the Department saw inputs. And that was to say that the inputs had to be

similar to other programs offered at the institutions. Scroll down a little bit, David, I'm sorry. Thank you, David. This is another portion of the statute, the transferability of credit. So you can see here that the Bureau of Prisons, and the State Department of Corrections will be looking at transferability of credit. And as as the as we define it, as the Department defines it, that's how they'll be looking at it. So they will look into the Department's definition. And so they will have a framework for how to look at it. So we won't we're not saying that the Bureau of Prisons will just have no guidance on how to evaluate transfer credit policies, right, it makes sense to the idea that a Bureau of Prisons would understand transfer of credit policies, it makes sense that they that they may not they could be some other than do but they may not. So based on so the Bureau of Prisons, will be looking at it based on a definition that we prescribe, but also just as a condition of eligible program eligibility eligibility. The programs have to offer transferability of credits at least one institution in the state, or it gets a little more nuanced. If it's a Federal Correctional Facility, the state that most students will reside upon release. And so that's just a condition of program eligibility. So the Congress was clear to say in two places that

transferability of credit was very, very important to prison education programs. That is a paragraph that we have copy and pasted into the regulation as well, and made no changes other than to update the regulatory site. These, these are three criteria that are copied, generally copy and pasted into regulation, on the accreditation piece, we have made a slight change, but generally they have been copied and pasted into regulation. So when we when Congress talks about suspension, emergency action or termination of a program, that those are things that the Department will look at. We have different sub parts in the Code of Federal Regulations and subpart g outlines the process by which the Department can suspend or terminate. And institutions participated, participates in the Title Four programs or other related consequences around suspension or termination. So that's something that I'm sorry.

MR. SCHELLING: Aaron, Stan had a question. I'm not sure if.

MR. WASHINGTON: Okay. I'll pause for questions.

DR. ANDRISSE: Just really quickly is the person representing the correctional Department of Corrections with us today?

MR. WASHINGTON: Can you, can you, can

you please expand on the question a little bit, Stan?

DR. ANDRISSE: Is Marisa-

MS. BRITTON-BOSTWICK: I'm here. Hi.

Dr. ANDRISSE: Hi, I just you know, there's been a few questions. I think, as you know, Dr. McTier, and others have brought up that are relating to the Department of Corrections response, I'm just was just, I wasn't aware, if you were with us today.

MS. BRITTON-BOSTWICK: I'm here. I have the same concerns. And I, I hear you and I think that we need to be really careful that for me, that the Department of Corrections, we are building strong partnerships with educational facilities. So we're not driving this, this bus on our own. But I think it's really important and I have appreciated what you said Stan, and Dr. McTier, so much, because I think it's really important that we don't forget who we're here for. And I think that it's important to keep bringing these things up. But for me, in Montana, we are building really strong relationships with our educational facilities, and we're not driving the bus, we're in partnerships. So I'm here, if I can be of any assistance on that, and I'm happy to I just I think it's just really important to know that I think if I'm right Aaron, and that it's a partnership, it's not Department of Corrections, that's

going to be running everything.

MR. WASHINGTON: You know, the institution is going to be the person that's providing the programming, right. Postsecondary institution will be providing the programming on campus at the at the correction facility I'm sorry, that the correctional facility. The the Bureau of Prisons role is to determine through the Department's definition that we will create here. If the programs can operate in the facility. I think, I don't, think maybe I would need some more information to to how could the Department I don't see how the Department could require the Bureau of Prisons to you know, allow them.

DR. ANDRISSE: So one, Marisa, thank you for that comment. I think it's extremely helpful to the conversation. And I mean, so it sounds like they Montana has is doing things fairly well. And, you know, from a correctional expert herself, it sounds like it is a partnership, where the Department is not in the driver's seat, it sounds like is what she's just mentioned. So I mean, would it be, you know, from a correctional expert, it sounds like it is a partnership. So maybe adding that language "partnership" would be helpful.

MS. BRITTON-BOSTWICK: I think it's

really important to that we remember all people that are going to be involved in this. I mean, incarcerated people that are entering the community incarcerating incarcerated individuals that are going to be in the facilities for a long time. But also looking at rural areas and urban areas. Because a lot of times we can't get educational partnerships in a rural area. You know, Montana is it takes six hours to get from one town to the next. So, I think there's a lot of really fine aspects that need to be looked into statutory or not, so that everyone is included in this. Because, you know, 20% is not enough, in my opinion. So, I think there's a lot of little things that need to be looked at so that everyone can be included in this Second Chance Pell.

MR. SCHELLING: Kim.

MS. CARY: Thank you. From an institution perspective, I would say that coming into the Second Chance Pell was a real eye opener for us and an opportunity for us to reach out to our partners in Missouri and learn what it was all about. And there's a lot more to it than even I had realized and we continue to learn. So I think that it's it is a definite partnership. We have a state of Missouri that is very open to our conversations. We have a community college

that has many locations across The Southwest area. So we're very open and building partnerships with for your institutions that will take these students once they've completed with us, no matter where they are, if once they're released, there's lots of other areas that could eventually reside in their community. So it's a very much a partnership. And I think one of the biggest hurdles for us was coming into this during the pandemic, we were all set to have in class conversations with students and in our teaching style and programs, and learned very quickly that we couldn't do that because everyone was shut out and at home and all these different places we couldn't meet that face to face. So, we had to quickly transition and realize, no matter what we do, it's a teaching mechanism, we need to make sure it never can be interrupted again, and that we have continuous education for students. So it's a big partnership, not just with for two years and four years, but the Department head and with our state agencies and local agencies with incarcerated students. Thank you.

MR. SCHELLING: Thank you. Aaron. Or, Marisa, did you have something you wanted to-

MR. WASHINGTON: I let Marisa go first.

MR. SCHELLING: Looks like she's

declining.

MR. WASHINGTON: I'm sorry, alright. So yeah, I think we've definitely heard the idea about partnership. And I think that's something that I can, I hope, I hope I have expressed that it is not just the Bureau of Prisons, that it is the institutions. It is the accreditor, it is the Department, and it is, you know, the individual students that are going to be enrolled in these programs. And the idea here is to ensure that they the idea for us right now is to ensure that they're able to access quality quality prison education programs. If I could go, we have 12 minutes left, and we still have one more thing that we need to do, which is decide who would like to report out. So if I could, I don't know, I don't think there's much left of the let's maybe take five more minutes to go continue going through the statute. And then we'll stop and then we'll talk about who would like to report and then we'll end for the day. So these three the three items that the basically these are the three adverse negative action type of things, I hesitate to say adverse actions, I know that's a defined term in our regulations. But if there are actions taken by the State Department or creditor, then the bureau the program cannot the prog... the program cannot participate, participate in the Title Four programs, the proposed



prison education program could not participate. David, can you scroll down a little bit? So these two provisions are so this the first provision is that if the program leaves the licensure or certification that the program satisfies all educational requirements in the state, or if it's a federal institution in the state that the majority of our most or more than half of incarcerated, confined or incarcerated individuals participate in the program and return to. I apologize, I'm probably talking fast, I do apologize. The second provision was copy and pasted. And we've also added a little bit of explanation into that we'll talk about that tomorrow. But that's the provision that that education can now be offered to students if that education is designed to lead to licensure occupation, for which the student will be prohibited from obtaining. And that that was that was essentially copy and pasted but we've added some amendatory language under that to further clarify it. David can you, the technical is that the number two, the technical assistance, that was not put into the regulation, because that is something that the Department, David Musser, actually described that process that we are engaging in right now, earlier. We are currently talking with the Department, the Attorney General Department of Justice, to find to determine ways

to for it to be seamless, and to implement prison education programs and to spread the word spread, the wisdom, make-- put displayed that the BOP and Department of Corrections on notice that these programs are coming. And hopefully if they're high quality, they'd be willing to partner and collaborate with the schools and Department of Education and their accreditors. The next paragraph, Federal Pell Grant Eligibility that was that we saw that in 668.32 so that is not going to be in the regulation. We put we put that all confined or incarcerated individuals are eligible for Pell in 668.32, we've already talked about that. This is the evaluation piece. So most of this will not, this is something that the Department of Education is going to be required to do in collaboration with our institute of educational services. So this will not show up in the regulation. There's a report to not only Congress, but the public. So the this will show up in regulation. There, the schools will be required to submit an annual report to the Department. We'll see how we define that while we're proposing to define that in regulation tomorrow, where there's a there's a number of things that the schools are going to have to report to the Department of Education as a part of their program, as a part of their eligibility they're going to be they're going to acknowledge an

application that they're that the Department will require them to report things to us. But instead of listing all those things out and regulation, we we're going to propose that we release the Federal Register Notice, or some sort of subregulatory guidance with those with those data elements that the Department seeks to collect. So we can provide, we can we can have flexibility. And we can also provide more guidance on how institutions go about getting collecting those items. And we can scroll down David. I that's all the reporting conforming amendments, no. And then I think that's that's essentially that's essentially it. I think it does say that the effective date. Yeah, yeah, that's it. That's essentially the the statute but no later than July 1. Oh, sorry. So the regulations will be effective on July 1, 2020, July 1, 2023. So according to our master calendar, that's the I guess that's the name that they they give to when when we when we publish regulations, and when they'll be effective. We hope to publish these regulations by November 1, 2022, and it will go into effect July 1, 2023, as required in statute and as by a master calendar. And so that is essentially the framework. And I think hopefully, with that, I did talk very fast. I know, everybody tells me I talk very fast, especially when I'm trying to go through something. But I hope that that

shows you that a lot of what we have proposed in the Definition of Prison Education Program is required by statute. It's required by statute. So so when we dive back into the best interest metrics tomorrow, sorry, the best interest benchmarks, we're gonna start with job placement, and then we'll move down the list in order. Let's see. We'll move down the list in order and I will provide you with the Department's proposals, I hope that we can see that I hope you'll be able to provide us feedback on what the Department's proposal for defining the indicators is, and and yeah, so that's it. With six minutes left, I did want to, I did want to ask the subcommittee who would be willing, if anybody had time to think about it over the lunch break or throughout the day, is there anybody from the subcommittee or several representatives that would be willing to present out to the main committee? And that will be determined by the main committee, so we don't have a specific date yet, but it wouldn't be for the November session. It would be for the for the December for the December session. And I apologize, I don't know the date. I'm pulling it up right now. But the so the subcommittee member would report out for the December session. So does anybody have a, would anybody like to volunteer to to to report out to the main committee with the subcommittee's recommendation?

MR. SCHELLING: Stan.

DR. ANDRISSE: So, I wouldn't mind doing it. But I also just want to ask, do we have to make that decision now since we have, we'll, you know, meet the rest of this week and then also another week? You know, but yeah.

MR. WASHINGTON: So that will be so we would most likely be reporting (inaudible) some day on between December 6th and the 10th, and the reason that we want to establish it earlier, I mean, it doesn't have to be today but maybe tomorrow morning but we want to establish earlier because the person that's doing it, we want to let the person that's doing it know that they probably need to be taking some pretty intensive notes from the conversations. The Department is of course here to help with with with the report. Of course we you know, we have the amendatory language but in the way that it has gone in previous report out, some some committees have done very extensive reports. Some subcommittees have done PowerPoint presentations. Some subcommittees have done I saw one where it was kind of like this dialogue between two or three people just with microphones, it was in person of course, but so it was, it's just the report has been done in such different ways. I just would want to subcommittee member that or the members that are doing

it to be aware that they're doing it and be able to, you know, not, everybody's paying attention, but I just really have like, you know, extensive information for whatever, however they're going to report to the main committee. So we can we can we can table it if nobody, I know, Stan, you said you'd be willing. But-

MR. SCHELLING: Belinda.

MS. WHEELER: I just wanted to offer up if Stanley would like some assistance, as he you know, if if he is the person that goes forward with this, I just wanted to offer up and say I'm very happy to help in any way possible.

MR. WASHINGTON: Okay. So we do have three minutes left, I don't think it would be the best idea to go down the job placement. I think that it would be, you know, I want to give it I want to give it the attention it deserves. So we'll pick back up tomorrow, and-

MR. SCHELLING: Stan has a question.

DR. ANDRISSE: One question I was just holding until you finish that was back to David's point of FSA having planning and already starting advocacy and outreach efforts. Are there a specific set of dollars set aside to do that type of outreach and advocacy work? Or has if it's not in, you know, written somewhere

appropriated to this, has FSA appropriated some certain set of dollars to it?

MR. SCHELLING: David, did you want to address that?

MR. MUSSER: Sure. When the law was first enacted, FSA, consulted with DOJ to see what kinds of resources could be brought to bear for this. DOJ may end up being able to use some grant funding to to solicit some some assistance for technical assistance. There is no specific dollar amount that has been specifically appropriated for this purpose. So FSA is devoting the, whatever resources we can put together to to do this work at the moment. But Congress didn't provide us with additional funding for this. So we're working within the existing operating budget that we have for for this fiscal year. And for next fiscal year to do this work. As I mentioned, DOJ does have some grant programs that it works on that may be able to be used, at least at least in part for this purpose. But I can't speak to that specifically, I'd have to go back and talk with my colleagues on that front.

DR. ANDRISSE: I mean, to my understanding, I mean, that piece is partially what Vera tapped into to offer technical assistance for I mean, and Belinda, please, if you are familiar, correct me if I'm

wrong, but thank you for that clarification. So one additional point to that, David, or yes, David, sorry, is to, does FSA intend to solicit, I mean, what does FSA, one, solicit grant opportunities to help in that aspect of outreach? Is there already mechanisms in place that FSA reaches out to do that?

MR. MUSSER: So if you're talking about outreach to postsecondary institutions, FSA has a lot of avenues that we've already established for doing that. As I mentioned, we have a training website where we, we have a conference that we provide every year, we have a training website that schools are familiar with. But we also have a portal, that's nearly all schools are law are hooked into and are familiar with, where we make announcements and, and send announcements to all participating institutions, and let them know when new information is available. We generally do that with new webinars, new training, new information about new laws, so that we have documents that we refer to as Dear Colleague letters that we publish, that, again, a lot of institutions are aware of, and look for, to be sure that they're up on the current guidance that's available. So we have a lot of different vehicles for providing that guidance directly to schools. And we also have a training team that we've already informed will will be will need



to help with this process and get the word out to two institutions.

DR. ANDRISSE: So that's fantastic. One last point. And that really is incredible. I'm excited about that. Is there an FOA in place? Like are you, do you fund other entities to help you do that, was my initial question. So it sounds like you're doing it internally. But do you fund other entities to do it?

MR. MUSSER: So no FSA does not fund other entities to provide training. That's it that's training to post-secondary institutions is something that we do in house from FSA.

MR. SCHELLING: Kim.

MR. WASHINGTON: I just wanted to jump in here, we have now exceeded 3:00 o'clock. I, I really don't want to curtail or cut off conversation. But I, we did publish to the community that we would end that 3:00 and what what I would what I really wouldn't want is that somebody who had scheduled, you know, until 3:00 to be a part of the conversation, not to have been able to be a part of the conversation because we decided to go past 3:00 with discussions. So I really want everybody who had their hands up to be able to talk for today. And then tomorrow, we really, really do have to end at 3:00 just so to make sure that anybody watching and doesn't miss

out on some of the conversation. Of course, it will be posted online, but we have exceeded the time.

MR. SCHELLING: Kim.

MS. CARY: Just to follow for Stan. We do also have not only FSA but we have our national association of financial aid. And we have, each state has their their state association. So we're very good in our financial aid community of getting information out to what to know what is going on and helping each other so I can give you more information on that if you'd like.

MR. SCHELLING: I think that's it, Aaron.

MR. WASHINGTON: Okay. And with that, thank you all. We've completed our first day of the subcommittee and tomorrow we'll start back with the best interest discussion. Thank you so much.

MR. SCHELLING: Thanks, everyone.



