

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
PRISON EDUCATION PROGRAMS SUBCOMMITTEE
SESSION 1, DAY 2, MORNING
October 19, 2021

On the 19th day of October, 2021, the following meeting was held virtually, from 10:00 a.m. to 12:00 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: Hello, everyone, and welcome to day two of the Prison Education Program Subcommittee. My name is Aaron Washington and I will be leading the subcommittee through the amendatory language today in our discussions. I would like to also introduce some of the Department staff. I'll hold Sophia to the end, so she can introduce herself but we're also joined by Ronald Sann from our Office of General Counsel. And we will have David Musser as a technical adviser as well today. Could we go through the subcommittee members and just say your name and wave? We can start with Belinda.

MS. WHEELER: Good morning, everyone. Belinda Wheeler, consumer advocacy groups.

MR. WASHINGTON: Kim.

MS. CARY: Good morning, Kim Cary, and I'm the college director for financial aid at Ozarks Technical Community College and I'm representing financial aid administrators.

MR. WASHINGTON: Is Stan with us? Stan informed sorry, Stan informed us that he has a prior commitment until 11:30. So he will likely be joining us at 11:30 a.m. Terrell?

MR. BLOUNT: Good morning, everyone. Terrell Blount here, director of formerly incarcerated

college graduates network, and I am representing organizations that represent incarcerated students.

MR. WASHINGTON: Thank you, Dr. McTier.

DR. MCTIER: Good morning, Dr. Terrence McTier, director of the Prison Education Project at Washington University in St. Louis, representing directors of prison education programs.

MR. WASHINGTON: Marisa.

MS. BRITTON-BOSTWICK: Good morning Marisa Britton-Bostwick, Montana Department of Corrections. I'm the education director, and I'm representing corrections education.

MR. WASHINGTON: Dr. Paccione? Amy, has Dr. Paccione joined us this morning?

MS. WILSON: Not yet. I'm keeping my eye out for her.

MR. WASHINGTON: Okay, I'd like to for the Department of Education staff member, Sophia to join us to introduce herself this morning.

MS. MCARDLE: Hi, good morning. I'm Sophia McArdle. I'm a policy analyst with the policy development group. I'll be helping to facilitate today and I'm so happy to be here.

MR. WASHINGTON: And we will, when Dr.

Paccione joins us we'll, we can she can we'll allow her some time to introduce herself and talk a little bit about constituency. Before we dive into the agenda today, which we're going to be discussing the definition of best interests that the Bureau of Prisons and State Department of Corrections will use to determine if the programs can operate at their facilities that they oversee, I wanted to allow Belinda and Dr. McTier to discuss some of their language proposals, and concerns this morning. So I'll turn it over to Belinda first.

MS. WHEELER: Alright, thank you so much team.

MR. WASHINGTON: I'm sorry. I'm sorry. I apologize. I have one more thing. Vanessa, would you mind projecting the amendatory language? Belinda, please.

MS. WHEELER: Okay, great. No worries. Thank you all so much for allowing me to discuss a couple of things. So the first one we had actually discussed a little bit yesterday, and I emailed it to the group, the specific language and this relates to Section 34 CFR 600.21, which appears on page three of the mandatory language document. And it was under the reporting requirements. And there's the new language that the Department has proposed. And it was it was currently written as its addition of an eligible prison education

program at an additional location. And I talked yesterday about the reasons for my supporting some slight adjustments, and I just wanted to put on the record that I was hoping that the subcommittee would consider slight tweaks which are its establishment of an eligible prison education program at an additional location as defined in 34 CFR 600.2.

MR. WASHINGTON: So, so just having a really quick Vanessa, would you mind putting a comment bubble next to the number 14 and that way we can capture that language change, and Belinda, if you could repeat it slowly so that Vanessa can capture everything.

MS. WHEELER: Yes, sir. So we're essentially the second word addition, changing from addition to establishment. And then-

MR. WASHINGTON: Sorry. So, so Vanessa, say before, establishment say it's in the yep its establishment. Go ahead Belinda please.

MS. WHEELER: Yeah, no worries. And then at the very end of the session section, excuse me sec sentence, where it says additional location, I'd like to propose that we add as defined in 34 CFR 600.2.

MR. WASHINGTON: Thank you. And Vanessa, could you- add the date Vanessa? And, like 10/19? And, Belinda, I think that's so we can capture who

made that recommendation. Thank you very much, Vanessa. And I know you wanted to discuss another one of your concerns as well.

MS. WHEELER: Yes, sir. So thank you. So yesterday, we talked a little bit about two different sections that almost appear to someone who's not a lawyer, appear to potentially negate each other. And I was requesting clarity. And again, I've sent this as an email to everyone in the group, but I'm putting it on the record here for everyone. So the initial section is, I believe it's on page two, oh, no, page one, it's 34 CFR 600.2. And it talks about this definition of confined or incarcerated individual. And in the last sentence of that potential revised definition, there's the sentence an individual is not considered incarcerated if that individual is in a halfway house or home detention or is sentenced to serve only weekends. That was a sentence that kind of caused a little bit of just general concern, I think in the subcommittee as, you know, these people are technically confined, it's just that they're perhaps not confined full time. So that was a bit of an issue just in general. But when we get to Section 34, CFR 668.32, which is further down in the document, there is so for the first one it was talking about, those individuals that perhaps were in a halfway house wouldn't

be eligible, perhaps for a Pell, because it's not considered, you know, full time incarceration, things of that nature. But once we get down to 34, CFR 668.32, this seems to be some language that perhaps becomes more inclusive, again, of individuals. And so in the, in the new language, so it's 2, Roman. So number two, and then Roman numerals number two, we've got A is not incarcerated. And, again, as a as not as a lawyer, but hoping that the Department could perhaps kind of quantify if, if we're excluding people up in that earlier language, because perhaps they're serving their sentence at a halfway house, for example. But then we're perhaps including them later on for Pell because they are therefore not defined as incarcerated. It almost seemed like that language was confusing each other, like, in one hand you're excluded on this hinge are included and I could see that potentially, as we roll out Pell For All, that this could be kind of a little bit confusing. So I was I brought this to the table for ED and hopefully one of your legal team or something we can kind of talk this through a little bit because as a lay person, it seems like this is a potential, you know, you're taking away on this hand, but then you're giving it back and depending on how people read it, that could really have serious implications for people who are seeking Pell for

educational purposes. Does that help explain that Aaron?

MR. WASHINGTON: Yes, that does and I will, because the question that was directed to our legal counsel, I'll just provide just a little bit of feedback and then I will turn it over to Ronald Sann. So the definition of confined or incarcerated student--that's the statutory definition and it specifically says, we don't consider individuals in a halfway house or home detention or sentence to serve on the weekends to be incarcerated. So the statute is telling us that these individuals are eligible for Pell loans and they're eligible to enroll in any eligible program. Because they're not considered confined or incarcerated, if they were to be considered confined or incarcerated, then they the individual students would have to enroll in a prison education program. And so we, I did recognize a change that needed to be made to 668.32 and for romanette 2A, we do need to say there's not a confined or incarcerated individual, but I think we are covered because we wouldn't want to include those that were in a halfway house or home detention center, or serving only on weekends in the definition of a confined student, because then they would have to enroll in a prison education program. And I do understand, based on our conversations yesterday, that while the Higher Education Act defines a

halfway house or home detention, or those serving on weekends as not confined, that other state statutes or other local statutes may consider these individuals confined or, you know, amongst the experts on the subcommittee and prison education. You may read that as these individuals are confined, but for Title IV federal survey purposes solely, specifically for the awarding of Title IV aid, we would not consider these these individuals confined and therefore they would be eligible for Pell loans to enroll in any eligible program. So quickly, I just want to make I see your (inaudible), I wanted to ask Vanessa, could she put in a comment bubble, yes right on that line, the big A, and just say update to is not a confined or incarcerated individual. And you can put my name there as well.

MS. MCARDLE: Belinda, or are we going to Ron first? Do you still want Ron to-

MR. WASHINGTON: Did Ron raise- I don't know if he raised his hand, Sophia.

MS. MCARDLE: So I thought you were going to toss it to him.

MR. WASHINGTON: Oh if he had anything to add? Yeah. If he doesn't, then we'll go to Belinda.

MS. MCARDLE: Oh, he seems to have his hand up. So let's go to Ron. Ron. Is he on? Are you on

mute, Ron? Hello.

MR. WASHINGTON: Let's go to let's go to Belinda, Sophia, then Ron can-

MS. WHEELER: Well, I was just simply going to say thank you that I appreciate that amendment or the addition to, excuse me, 668.32, I think that makes sure that things aren't as confusing. And you do make a good point that that those people would be eligible just for like the general Pell as opposed to, you know, Pell that has to be linked to a prison education program. So I think that actually provides more flexibility than I had first envisioned. So thank you for that.

MR. WASHINGTON: Thank you, Belinda.

MS. MCARDLE: Ron, yeah. Ron, are you are you on mute perhaps? Your hand is up.

MR. WASHINGTON: Amy, is there a way to administratively unmute Ron?

MS. WILSON: No, he is unmuted. It might be technical. Maybe Ron needs to log out and then log back in.

MS. MCARDLE: Okay. Terrell?

MR. BLOUNT: This is Terrell. I wanted to circle back around to the point I made yesterday about people who are civilly committed so as it stands, that doesn't necessarily mean that a person is incarcerated

because they've completed their sentence. They're no longer serving a criminal sentence, but they are still being detained at some type of facility that is not a halfway house, work release, or anything, you know, of the sort. So where do they fall in the conversation? I think I'm posing to the subcommittee members. Is that something that we want to indicate or highlight in that previous piece, not in 668.32, but when describing the confinement piece earlier.

MS. MCARDLE: Aaron?

MR. WASHINGTON: So Terrell are you proposing a language change to add to 668.2 that individual is not considered incarcerated if that individual is in a halfway house, home detention center, detention center only on the weekends, or is serving an involuntary civil commitment?

MR. BLOUNT: That is correct.

MR. WASHINGTON: Okay. Vanessa, would you mind? We're having Vanessa, jump all over the document. Thank you so much, Vanessa. So let's see. Next. Can you put a comment bubble in? And yep anywhere on that definition and say, add involuntary civil commitment to the definition, let's say we can add involuntary civil commitment to those that are not considered to be incarcerated.

MS. MCARDLE: Aaron, Ron I think is back on. Would you like to try him or not?

MR. WASHINGTON: Let's go to Dr. McTier because he's been waiting. And then go to Ron after.

MS. MCARDLE: Okay. Dr. McTier.

DR. MCTIER: Just on that point, I will also add that there's outpatient treatment facilities that are confined. So maybe adding those outpatient treatment facilities.

MR. WASHINGTON: Just to clarify it, would you like to add that to those that are confined or those are not confined?

DR. MCTIER: That are confined, the outpatient facilities won't actually have the word confined or prison, but by nature, they are actually confined. So meaning that they can't leave that facility.

MR. WASHINGTON: Okay, so that those individuals, prior to the proposal, would be required to enroll in a prison education program. They couldn't-

DR. MCTIER: They wouldn't be able to go to a traditional college campus.

MR. WASHINGTON: Vanessa, can you add? In that same kind, but what you can add? I'm sorry, Dr. McTier, can you repeat that?

DR. MCTIER: What was the last? What did you want me to repeat?

MR. WASHINGTON: It was outpatient?-

DR. MCTIER: Outpatient treatment facilities.

MR. WASHINGTON: Okay. Outpatient treatment facility.

MS. MCARDLE: Okay. Should we go to Ron, so we can catch up with what Ron was going to say?

MR. WASHINGTON: Yes.

MS. MCARDLE: Ron? Here we go. Ron, you are unmuted. So we can't but we cannot hear you.

MR. WASHINGTON: Sophia, while we wait-

MS. MCARDLE: Wait for- while we wait for Ron. Let's go to Dave Musser. Sure, thanks. I just had a quick question for regarding the outpatient treatment facilities that was brought up a second ago, when an individual is confined in outpatient treatment facilities following incarceration, is the individual typically serving part of their sentence? Or is that something that's in addition to serving the sentence?

DR. MCTIER: Something that's in addition to serving their sentence. I specifically think about individuals with sexual related offenses who are

actually required to attend an outpatient treatment facility that is actually confined and I can think of several institutions such as that throughout the country.

MS. MCARDLE: Okay, that's helpful. I the only reason I bring it up is we may need to talk offline with our general counsel, because if confinement is occurring outside the scope of the sentence, I don't know whether we would be able to consider the individual as being confined or incarcerated given the statutory language. So I think we just need to take that one back.

DR. MCTIER: Yeah, it will be actually in conjunction with their sentence. So part of this is continuing the treatment outside.

MR. MUSSER: Okay.

MS. MCARDLE: Next we have Kim, and then Marisa.

MS. CARY: Thank you, Dr. McTier, following up on those two statements. Would that change the comment bubble to be under confined and not the way that Vanessa had it written there? So if they're considered to be incarcerated, correct, or confined.

DR. MCTIER: See, that's the thing. They're not necessarily considered incarcerated or confined. But that's what I was saying that the facility in and of itself is. They don't use the word confined or

incarcerated. But the individuals can't leave that facility whatsoever. But they technically will actually fall under confined but if we look at the law, as is, you know, they can easily be excluded from either confined or incarcerated, because it's not in the definition or the name of that particular facility. Does that make sense?

MS. CARY: It does and we may need to just make that notation that it will be taken back to the Department to make the determination of which one that falls in. Thank you.

MS. MCARDLE: Marisa.

MS. BRITTON-BOSTWICK: I think it's really important what Dr. McTier is saying because a lot of times people finish their programming or treatment under the supervision of the Department of Corrections, but they're not in a correctional facility. And they can be there for long periods of time, and should have access to the Pell funds. I mean, when they're under that corrections umbrella. And so I think it's a really important point. My other issue, and this might just be a wording. What about pre-release centers? Are those part of the work release? Or is this just kind of a wording issue?

MS. MCARDLE: Aaron?

MR. WASHINGTON: I think we have the

statute says or similar, correction. Some of the correctional institution, I don't, I don't want to, I think we can spend as much time as the subcommittee feels needs to be spent on this specific definition. However, we do have or similar Correctional Institution, and I think we've gotten some ideas from the subcommittee, I will work with Vanessa to clean that comment bubble up a little bit, I do understand the intent of the comment bubble. So we will see it changed after the break. But I think what we stated yesterday, as well, do we want it may not be the best idea to have an exhaustive list of different institutions, that would be or facilities that will be considered under this definition. And to allow, because things will probably come up in the future, right? That we would maybe need to consider, we have the preamble, where we explain the regulation, we have subregulatory guidance, like Dear Colleague letters and electronic announcements that we provide to the community. And so if there are facilities that we have not, that we didn't think to cover during the rulemaking, we can always provide guidance to the community at a later point. So I don't want us to, you know, get caught up too much on having the most comprehensive, exhaustive list of what an incarcerated individual is and what institutions will fall under that, because we will like

as David stated, We will have to take these common bubbles, right? So we're not actually making the language change right now. We're just, we're just putting it there, as a note to the Department to consider that language change. And we'll talk to our counsel after the sessions to see where it should fall, whether it is or it isn't. And so I think I think we have some ideas, the outpatient center outpatient treatment center for those that are incarcerated, and involuntary civil commitment for those that are not incarcerated. And I think it's, I think we have enough to take it back to our counsel at the Department. So that's all I say. Thank you.

MS. MCARDLE: Kim.

MS. CARY: To Aaron's point, it might just be easier to put in the second half or more appropriate, the same similar language or other similar institutions. And so that we don't have to lock ourselves in-- so the language in the first part versus the second part, I think you could mirror that.

MS. MCARDLE: Aaron, did you want to respond to that?

MR. WASHINGTON: No, thank you.

MS. MCARDLE: We have Marisa next.

MS. BRITTON-BOSTWICK: I think it's fine to leave it open. But I think it's really important

that people who work in corrections or offenders usually fall through the cracks when it comes to education. And I think that it's really important that it's not left too broad, because there are a lot of places that fall under that corrections umbrella. And I just would hate to see any offender, inmate fall through the cracks with this. So that's just my two cents.

MS. MCARDLE: Aaron?

MR. WASHINGTON: Thank you, Marisa. I want to move to Dr. McTier's language change. And then I'd like to make sure we have time to really have a robust discussion on the best interest piece. So Dr. McTier, you had provided a language change. Well, I'm sorry, I don't want to put you on the spot. But you had offered language change, we don't have to discuss it if you don't want to now we can just hop right into the best interest piece. And we can hold that for later.

DR. MCTIER: No, no, I'm just looking all over the screen. So I have to open up the other document. Yeah, I can quickly add it or state it, it's under 34 CFR 668.8. Prison Education Programs. Specifically, under 3i we propose adding language under 3i that states after the two years of approval under two has been determined by the Bureau of Prisons, the appropriate State Department of Corrections or another

entity that is responsible for overseeing correctional facilities. This is where we proposed adding language that says- Ready?

MR. WASHINGTON: You know, Vanessa, I actually emailed it to you. Okay. I don't know. Maybe we can add it? I think she got it. There you go.

DR. MCTIER: Yep. So we just want to make sure that what we add, will work collaboratively or in partnership with other key stakeholders, other higher education institutions, accrediting agencies, Board of Regents, higher education, and prison programs, it seems that based off this language, that sole power is given to the DOC to determine whether or not a program can be established. And we want to make sure that decision is made in partnership with educational agencies. So that's the language that we are proposing. And then I guess we can dive a little bit deeper into how that can actually come about. I don't know if that's something that we would need to add. But we do think there needs to be a level of a governing board or something of that nature that the DOC and the other agencies can work together with.

MS. MCARDLE: Dave. Yeah, I wanted to -to think, obviously, we will need to give this more time and discussion, and we may want to move on before we get

into too much detail. I just wanted to ask, before we do that, so that we can all think about this one. What did you have in mind right now it says we'll work collaboratively, collaboratively or in partnership with other key stakeholders. Do you mean with at least one of them that they must make the decision collaboratively? Do you mean multiple? I guess, when we get once we get to a final decision on this we'll need to have some specificity about exactly what's envisioned here.

DR. MCTIER: I figured that was the case, which is why I said we can go I know that seems like for the sake of time, we don't want to go too deep right now, but we do have some proposed language for the collaborative and partnership component. But primarily looking at creating some boards or some task forces that can actually propose the establishment versus just the DOC making the sole decision on whether or not a program can come to their facility or not, so. Does that answer your question?

MS. MCARDLE: It does. Yep. Thank you. Terrell.

MR. BLOUNT: I apologize. I thought we were on to another section. The section right under that, so I'll save my comments.

MS. MCARDLE: Okay, Aaron.

MR. WASHINGTON: Yeah. So we are going to move into the best interest discussion now. Before we do, I, well Dr. Paccione has joined us. Dr. Paccione, would you like to introduce yourself to the to the (inaudible) subcommittee? Amy, I believe has Dr. Paccione joined us, Amy? Angie Paccione?

MS. WILSON: Yes. And she has I'm giving her mic and camera. Okay. She should be able to do it now.

DR. PACCIONE: Okay, can you hear me? Can anyone hear me?

MR. WASHINGTON: I can hear you.

DR. PACCIONE: Okay, super.

MR. WASHINGTON: It's a little faint, it's a little faint, and we can't see or can we, Sophia or Amy? Can you hear the video? Or?

MS. MCARDLE: No, I don't. Oh, there she is, I got her now.

DR. PACCIONE: Okay. Yeah, I'm having some internet connection issues. And so that's why I kind of had to jump off and jump back on, I couldn't hear you. So my name is Dr. Angie Paccione. I am the Executive Director of the Colorado Department of Higher Education. And I'm representing SHEEO, the SHEEO organization on the subcommittee, state higher ed, executive officers. So

I'll be listening in, but I'm going to go off camera because my connection is so poor, that when I go on camera, it usually drops. So I'm working on that.

MS. MCARDLE: Aaron, I think it's possible we may have Ron Sann available now. Would you like to go to, okay, Ron.

MR. SANN: Good morning. Are you able to hear me? You are? Okay.

MS. MCARDLE: Yes, thank you.

MR. SANN: Alright, I'm good for now. They can hear me. Thank you so much for your help. Bye for now. Bye, Aaron. Well, first, my apologies, I'm actually in the Department's headquarters, I thought that would be an improvement in the technology situation. But it was not. But I'm back now using just my laptop. And that seems to be working. So I just wanted to, you know, thank you for those comments about areas that you all thought might not be clear in terms of the regulation, my initial read was that there is no conflict. And certainly we would interpret our rules if these were the rules that were adopted to avoid those conflicts. But I mean, we will, you know, have to look at everything closely in the time between sessions to make sure everything's internally consistent as a legal matter. So those are my sort of reactions to the very helpful comments I heard

this morning. And again, apologies for the technical glitch.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Okay, so I think let's move into our discussion on the best interest, I do have something I'd like to read before we start our discussion. And so I consulted with my colleagues. And I just want to thank everyone for their open and honest feedback yesterday on the language around the best interest of students. We very much understand and appreciate the consideration that you raised. And we completely agree that we want to balance the burden to institutions, any potential conflicts of interest, and the need to ensure that incarcerated students are getting a high quality education. We are also working within some specific statutory language. And we share that language with you to get your feedback. So today, like so today, I will be sure today when we're discussing language to state clearly when something is statutory. And also, my colleague, Vanessa has the statutory language at the ready. And so if there's any, if anything is unclear, we'll be able to project the statutory language to you all so we can see what was in statute and where the Department made slight changes. So one note I want to make is that this role for the state DOCs of approving

educational programs is a new one for them, and one that is required by Congress. However, there is a role for us, the subcommittee to define that role. Without a clear definition in the Department's regulations and guidance, we are concerned that the Department of Corrections could interpret this in a myriad of ways. In some cases that might have negative consequences for students.

Departments of corrections could choose to be overly restrictive in how they evaluate programs. They could interpret the statute as setting impossible to meet standards, or they can leave institutions out unfairly. That's why we need your feedback, the subcommittee's feedback, we're looking for the best possible ways we can work within the confines of the statute that requires DOCs to approve the programs based on elements like job placement rates and recidivism rates to give clear guardrails as to how DOCs may and may not do that. So with that, oh, I don't know if we had a question on that, Sophia.

MS. MCARDLE: I do have Dr. McTier.

DR. MCTIER: Oh, I just wanted to state that Stanley Andrisse, Dr. Stanley Andrisse has been trying to get his mic and video approved, he's been sending emails, so I just wanted to put that out there.

MS. WILSON: I'll take care of that

now. Thank you.

MR. WASHINGTON: Thank you, Dr. McTier. So with that, we will dive back into continuing education-- yesterday, I stated that we'll start with job placement. But I wanted to go back through it and really kind of dive a little deeper and get more of the committee's feedback, I want to make sure that we hear from all of the subcommittee members on each of the indicators of best interest that the Department is proposing to define. And even if it's not a specific language change, or if it's not a specific proposal, I think it would be beneficial to hear from each of the constituencies. Unless, you know, you're just unless we're just agreeing with something somebody else said. But it would be it would be interesting to hear from each of the constituencies there, from their perspective from the groups that they represent how the Department can put parameters around defining each the indicators. And so the first indicator is continuing education posts, those that enroll in a prison education program and continue their education, post release. And so our rationale behind defining that is the appropriate. We want to see how many students you know will continue to or wish to continue their education post release. So it's pretty much I mean, the rationale is basically what the statute

says. And the data source, we heard from the committee yesterday, that this is something that the DOP and DOCs may not have the capacity to do. And so we heard that the Department should use our system that David Musser talked about, such as the student loan, the National Student Loan Data System, in order to track enrollment of students, so I want to open it up there. So is that something that the subcommittee subcommittee could settle on—the Department would be the ones to track enrollment through our systems, because the other idea would be to the extent students that reenroll in an institution, the actual institution may be able to calculate a reenrollment rate.

MS. MCARDLE: Dr McTier?

DR. MCTIER: I can go with that. I think once because there's so many nuances, I guess that exists when a person returns back into the community, they're not necessarily going right away to a college program. I can think of a lot of my students who are obtaining their associate's degrees, and then once they get out, they have the opportunity to continue on to their bachelor's, but because of their parole or probation, or the location, the location in which they're returning back to doesn't have a college or university that they can readily attend, they won't necessarily be

able to continue their education right away. So I do like the fact that we can put that on the Department of ED also will say this, that prisons are not experts in providing education and or collecting educational data. So I'm not exactly sure why we would allow or require the DOC to be responsible for that. Right now, it's difficult for them to, you know, track all of this other stuff. You know, when we look at the Bureau of Justice Statistics, that data is already lagging by the time we get that, that data is 10 years old. So having them do educational stuff, I just think it's going to be we're setting them up for failure. So I just wanted to put that out there.

MS. MCARDLE: We have Belinda and then Kim.

MS. WHEELER: Yes, thank you. From a consumer advocacy group standpoint, I 100% agree that this is great that the Department believes that they can, can take care of this bucket for everyone. I think that, you know, as David pointed out yesterday, there's a lot of nuances that are going to happen. As you know, we start to collect that kind of data. And I think that the Department is well positioned to be able to take care of this. And I think from an equity standpoint, for both small programs, large programs, I think it's just, I think it's a great idea to have that. So I'm in

definitely in support of the Department taking over that bucket. Kim.

MS. CARY: I would agree, as I did yesterday that the Department should be responsible for this. And the only other options I think institutions and financial aid administrators would have would be to receive data from the Clearinghouse, which then automatically feeds into the NSLDS systems, Department of ED system. So that just seems like the logical place for it to land. Thank you.

MS. MCARDLE: Dave. Okay. Well, first of all, glad to hear that subcommittee members believe that this could be workable, if the Department were to take on the role of provider of obtaining this data and calculating this rate. I just want to point out that we may need to make some language tweaks to the way that it's written here to identify recipients of Pell Grants as the ones that we will track following release, primarily, because those are the ones that we can have some degree of assurance that we will get enrollment information for. And of course, the other point was brought up in yesterday's meeting that we do need to make sure that we can overcome all of the privacy considerations, which are not insignificant on some of

these. But in general, I'm still cautiously optimistic that the Department can take on this role. If we're able to obtain the data on individuals who are released. That's the primary component that we need to focus on. Terrell.

MR. BLOUNT: Yeah, pardon me if this doesn't fall into this conversation, because as I'm listening to comments, it sounds like this is more geared toward the tracking and collection of data and that responsible entity, but I think it's just worth mentioning that one, in addition to Dr. McTier's point about an incarcerated individual participating in a prison education program with an educational institution that when they return home, they may not be anywhere near that institution or attended an institution in the community. That's one thing and then also, not everyone discloses that they had an incarceration history. And I'm speaking in regard to like, filling out, you know, the college's application. So just wanted to throw in there like that may be an obstacle in tracking students that have participated in prison education programs. I think the last thing I'll just share is that there's also work being done from organizations or by organizations, such as P2P and FICGN and a number of others to remove the question on the college applications. Because it's been

found that when formerly incarcerated people see that question on conviction history, it normally leads to them no longer wanting to fill out the application thinking that they'll be discriminated against, or even worse, they complete it and wind up not being, you know, allowed to enroll in college. And my thoughts on that is any education institution that is going to enroll students in their college while they're incarcerated, should allow those same students to continue on campus in the community. It can't be you're good enough to be a student on it, and we utilize your Pell dollars while you're incarcerated. But when you come home, you can't come here because you're now a threat. That should not be and I'm not sure where that conversation needs to take place. But again, I just wanted to raise that.

MS. MCARDLE: Aaron, did you want to respond to that or should we go to Stan?

MR. WASHINGTON: Let's go to Stan first.

MS. MCARDLE: Okay, Stan.

DR. ANDRISSE: Thank you for working through my technical complications, and so because I was unable to join fully, I wasn't I'm not sure if this has already been brought up or not. But, we, you know, we were wanting to propose the addition of, to that

beginning part that there should be collaborative work with other stakeholders. And, I mean, has that been discussed already? Okay, so I'm sorry to be rehashing it. But did we get a feel for how people felt about that already as well?

MS. MCARDLE: Aaron?

MR. WASHINGTON: Sorry to jump in. I think we stated that we're putting things in comment bubbles, Stan, and to let the subcommittee know that a language change has been proposed, but we still have to take that back to discuss it with the Department leadership and legal counsel.

DR. ANDRISSE: I see, I see now, I see Dr. McTier suggested adding collaborative. So I would also, there's a stakeholder group that should specifically point to non-formerly incarcerated inclusion. So you know, if there is a third party entity that represents non formerly incarcerated or formerly excuse me, formerly incarcerated individuals, I think it should be added into that language. I agree with the stakeholders that are included. But I would add to that, that there should be specifically language around inclusion of formerly incarcerated and formerly and currently incarcerated stakeholders.

MS. MCARDLE: Aaron?

MR. WASHINGTON: Vanessa, can you add to that comment bubble, formerly incarcerated students? Thank you.

DR. ANDRISSE: And/or groups that represent them.

MR. WASHINGTON: Okay.

MS. MCARDLE: Dave? Yeah, mine's very quick and just responding to Terrell and his excellent point about the fact that formerly incarcerated individuals have very strong incentives not to report previous convictions or incarceration. So the method that we discussed earlier would involve the Department identifying them as a student in a prison education program, identifying them that way, and then tracking them throughout their college career through the NSLDS database, which would I think, avoid that problem.

MR. TANDBERG: Aaron.

MR. WASHINGTON: Yeah, I think we have, I think we have enough to move on the benchmark. So the benchmark we would propose is 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. So we can get folks' thoughts on that, I'll state it one more time. Compare the rates of confined or incarcerated

individuals, continuing their education post release to the overall transfer, or continuing education rates at the institution. That would be the benchmark.

MS. MCARDLE: Dr. McTier

DR. MCTIER: So what about the students who are I guess I'm trying to wrap my brain around these benchmarks or this comparison, because, you know, students participate in programs, but they might still be in prison years after. And so is there. I'm just trying to understand that-- from the Department, what they're trying to obtain with that information I guess in a sense.

MS. MCARDLE: Aaron.

DR. MCTIER: A comparison.

MS. MCARDLE: Aaron.

MR. WASHINGTON: I think that we will get to hold that potential cohort momentarily, but I think if I can get your thoughts on just the benchmark like this, just the comparison overall. Do you have any ideas on what the proposed comparison is, and how to, I guess, flesh that out more or provide more clarity. Just your overall thoughts on the actual comparison that we're that we're proposing to make. So comparing the incarcerated individuals to other individuals.

DR. MCTIER: I think the comparing

part is throwing, like really thrown me off. I'm a little bit confused. Are you comparing the graduation rates? Are you comparing?

MR. WASHINGTON: Oh, sorry, so we're comparing the rates, that they continue their education post release. So this is not about graduation or completion, it's earnings we're comparing. So if I was incarcerated, and I was in a prison education program, we're comparing if I was released, and then I continue my education post release, we will be comparing that to the overall transfer continuing education rates at an institution. So we're comparing that to students at the institution that are not incarcerated, enrolled in other programs at the institution, and their rates of continuing education.

DR. MCTIER: Well, programs are really small not to interject a little bit. But programs are pretty small. And so the rate of people returning back to society can also be relatively small. So I just don't see that as a really good benchmark to compare to the normal population of students. It's not a good data point. What I'm saying-

MS. MCARDLE: Terrell.

MR. BLOUNT: Yeah, one question, is this possible to highlight the part that Aaron is

reading? If it's on the document that's being shared? And second, like just on the question that Aaron asked, I think I see where it could come in handy. Or be helpful if a corrections Department and other partners in deciding this as one of the metrics, maybe not the catch all, but maybe comparing the rate at which people are continuing post incarceration, I think it does speak to the type of work that that institution is doing in regard to student advising and just seeing people through completion. What, what I don't know about is whether or not comparing them to non-incarcerated students in the community and their persistence through the college piece, because I don't, I wouldn't say that they, they have the same needs and challenges in regard to completing a higher education degree. So I do see where you're going with it or whoever, you know, design and language, but I'm not sure if we necessarily want to look at a college that's proposing a prison education program. And we say, Okay, well, you know, you have a 79% graduation rate on the outside for your outside students. But your inside students aren't necessarily graduating at that same rate, those inside students, you know, or formerly inside students are facing a myriad of challenges that those on campus do not. So I think it's maybe something else that we should be looking at as

opposed to that comparison. I'll stop there.

MS. MCARDLE: Belinda.

MS. WHEELER: Thank you very much for that, I would say from the consumer advocacy group side of things, and also with Vera doing the technical assistance, I'm personally and I think I can speak you know, for constituents who have reached out to me, I understand some potential concerns. I do think that this is a very proactive approach by the Department to check and make sure that those educational institutions, whether small or large, whatever that want to be in this space, that again, they are continuing to provide that support that we are going to expect, you know inside those carceral spaces, but what does that support look like on the outside and I just bring it up again, the words that Terrell had said about, you know, sometimes people just wanting the Pell money once people are there, but once they get out, you know, what, what does that kind of support look like in that whole issue with the checkbox and things like that. So I think, you know, from, from our side of things with the constituents that I've been speaking with, and also just what we've seen in Second Chance Pell, thus far, educational institutions are doing, it appears to be a really good job for those programs on the inside. And right now, there are some

noted challenges on the outside, and I think this data point collection, I don't see it as being something that is going to, you know, immediately, you know, that the government's gonna say, oh, you're down, we're going to, you know, get rid of your funding, I think it's an excellent conversation point for us. So that if we are seeing some kind of slippages here, that there can be more support given to these educational institutions or, you know, wraparound services or things like that. So I actually feel that this is a good data point, which will ultimately serve the students because we really want to make sure that you know, not only are they getting good quality while they're inside, but then that quality and that is, you know, that those, those support services are really kind of coming through. So I just wanted to, you know, say that, from my perspective and the groups that I'm representing, I think that there's a lot of great potential with this. Thank you.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you, Belinda.

Dr. McTier and Terrell, I heard that maybe this may not be the most appropriate benchmark to compare students against other students at the institution. Do you have any ideas for other benchmarking that we can use to ensure that we define this indicator, but maybe there's a

different benchmark that then you could propose?

MR. BLOUNT: Yeah, as I mentioned, I totally recognize that it's just one of many. So if whatever else we may add to that as recommendation, again, looking at the totality of all of the marks, it may wind up that, you know, a college in prison program checks, you know, eight out of nine boxes, and if that one box that isn't marked is the completion rate on the outside, I think it's up to those partners that should include DOC, you know, community partners, and formerly incarcerated subject matter experts to make that decision, that final decision, I think, in cases like that, where maybe students aren't succeeding in the community and completing at the same rate, as nonincarcerated students are, though that partnership, which I think is so important, you know, would be able to determine whether or not that program is a quality program or not, and should be allowed in. So I don't think in my opinion, I currently don't have any ideas on if that should change or needs to be changed. I think it is more so all of the benchmarks together as long as they are sound and equitable and to Belinda's piece, one of my thoughts was on the student advisement part, I don't know which I forget which letter it is, but, I think providing, you know, quality academic advising, that

letter maybe is something that we can tweak in order to catch and make sure that programs are offering sound advisement in prison and in the community.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you for all your comments. Okay, let's move on into the cohort. So the Department- I think I was on mute. Can you hear me? Alright, so let's move on. Let's move on to the cohort. The Department would seek to include only students and Terrell this is not projected. So this is (inaudible), but we are talking about big A, the rates of confined or incarcerated individuals continuing education, post release. These are ideas that I'm kind of just providing to the subcommittee. So the Department would seek to include only students who will be released. Is there anything-- other considerations regarding the benchmark that I discussed? Are there any other considerations? And what are the considerations for the cohort that need to be made? So right now we argue that we would only include students who will be released. Are there any other considerations? And we're really looking for ideas from you know, everybody.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: Can you please just repeat that one more time? I'm trying. I'm trying to

reprocess and think on my toes. I just am-

MR. WASHINGTON: Yeah, so we're thinking we would like your ideas on cohort for our benchmarking idea. The Department would seek to include, only students who will be released, I apologize. I probably figured that incorrectly the first time, but the Department will seek to include only students who will be released. Are there any other considerations that you (interposing)

MS. MCARDLE: Dr. McTier?

MR. WASHINGTON: Cohort?

DR. MCTIER: So I just have a question as to-- so would we have to send that information about when a student is released to the Department of ED, and the if so, is there a timeframe? What does that look like?

MS. MCARDLE: Dave. Excellent questions, again, ones that I don't think we've fully resolved and can't resolve quite yet. But let me propose how it might work. If we were to put this into practice, there are various ways that we could collect the information. One way would be to, for the Department to adapt its NSLDS system to obtain information about release dates for incarcerated individuals. We could do that either by having the school obtain that from the

correctional agency or potentially by having the correctional agency log into the system and provide that data to us directly that way. And we would have to I think you made a good point, we would have to set some kind of a timeframe for doing that. I don't think it has to be so frequent, that it would cause it would result in significant burden. We would need it I think, at least once annually. But I think we would need to think a little bit more about from a systems perspective, when that would be necessary in order to calculate the rate that's been described in the in the regulation so far. Yeah, that's at least my high-level thoughts on how that might play out. I see no other hand up. Wait a minute, Aaron, go ahead.

MR. WASHINGTON: Do we have any thoughts? I know we have representatives--the they represent a wide range of constituencies on the on the subcommittee, do we have any thoughts from anybody who hasn't been hasn't had the chance to weigh in on this on this indicator?

MS. MCARDLE: Kim.

MS. CARY: Thank you. I know the conversation talks about completers and job placement and things like that. What about? How would we capture the students who change their mind that don't want to go

finish their program and then they start and then decide that's not what they want to do? How would they fit into that overall percentage?

MR. WASHINGTON: I think that, you know, I think that as David mentioned, you know, we those are things that we're looking we were looking for your feedback to ensure that the Department was taking into account all those factors. So while I might not have an answer for you directly to your question, to the to the question, that's something that we can take back and think more about how we would exclude students that just didn't want to continue on.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: So for all of these indicators, and I'm thinking again, for all of these indicators, I wonder if it's also important for the Department of ED or The DOC whomever to collect data on the barriers actually prohibiting or deterring people from continuing their education once they're released. I think, some of these other things are not necessarily realistic. But I do think we need to definitely consider all of the barriers so that when we were proposing new legislation or new laws or new rules that we can have a clear understanding of what, what those barriers are. We know on this committee, because we do this work, we're in

the trenches. We research. I'm a researcher. I can tell you some of those barriers, but I do think, as benchmarks, I think the Department should definitely consider and be made aware of those, those barriers that prohibit them from actually continuing on.

MS. MCARDLE: Belinda, and then Kim.

MS. WHEELER: Yes, thank you for that.

Just to piggyback off what Kim had said, and then kind of reiterate, I think Terrence and I are on the same wavelength there. I think it, I definitely think it's important that we capture, I think it's important that we capture that data, because again, we need to know, you know, the programs, the boots on the ground, the wraparound services, and corrections, like we need to know, you know, why a student isn't continuing. So you know, something like, I wonder whether or not first generation students, you know, we see oftentimes that, you know, just in general, with educational programming, that you know, the completion rates for people who fall into the bucket of first generation students, we've got data on that, what about, you know, people who are formerly incarcerated that start their educational journey on the inside, and perhaps we start to see data points that show, you know, once they are on the outside, that the bucket for first gen seems to be really big,

then that's really important data that we can then use to try to, you know, being proactive, not reactive, you know, that we can try to engage those students, you know, and potentially get them back. And again, if they don't want to continue their education, that's certainly fine. But what other potential support can we give them for, you know, workplace services, or things like that. So, just wanted to put in my two cents there. Thank you very much.

MS. MCARDLE: Kim.

MS. CARY: Yes, thank you. To follow up on what McTier said there are barriers for that, once they complete, but there's also a multitude of barriers that really are not addressed in this subcommittee language that we're looking at, as far as how do we get them to be able to be eligible in the first place for the Pell Grant? There are so many barriers that these students have to overcome, because the student eligibility requirements are the same as students who don't have all of the different means available to them to access information to complete the FAFSA requirements. The verification doesn't go away for these students. Defaulted loans don't go away for the students, those are barriers to obtaining the Pell Grant. So even though this, the language is not addressing any of that, I think

it's something that everyone needs to be aware of, and hopefully can be part of the bigger conversation. I know it's certainly on the minds of financial aid administrators, as we work with students, or incarcerated individuals, and they may not have the support outside of their system to help them complete the paperwork information that they may need. Thank you.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you for that Kim, I can speak to verification and I can turn it over to my colleague David Musser to speak about defaulted loans. We have thought about we have we have had discussions on verification. Verification is the items that the Department chooses to verify each year and acceptable documentation that accompanies those items is released annually in the Federal Register Notice. And we, believe that maintaining that flexibility and not regulating on items that regarding confined/incarcerated individuals would have to submit would be a good path forward because it would allow the Department to adjust to any changes or any, any unforeseen circumstances in the future. We certainly will take any of your feedback into what that acceptable documentation should be for confined or incarcerated individuals. But we would want to avoid actually regulating on those items and

documentation. I'll turn it over to David.

MS. MCARDLE: Dave. Okay. Yeah, so and similar to what Aaron said about verification, the issue of resolving defaults that occurred either prior to or because of an individual's incarceration is something that the Department has been looking into. And we are trying to identify routes for those individuals to get out of default, that do not involve immediate repayment while they are incarcerated. We are also exploring options for how the servicing process can accommodate the limitations that individuals experience when they're incarcerated, inability to have ready access to a phone, or the Internet, and all of the things that, that our current systems are set up around. I can't give final information about exactly how that will work. But I do want to let the subcommittee know that FSA has been exploring this issue for some time. And we do hope to have by the time this, this initiative rolls out in 2023, a robust mechanism for individuals to get out of default and to become Pell eligible again, through that process.

MS. CARY: Thank you very much for that follow-up. It has been a great concern for me and colleagues as we move forward. So I'm glad to hear FSA is looking into that and we look forward to hearing from you.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Okay, I think we should move into job placements. Job placement is B on your screen. So it says job placement rates for such individuals. The rationale is it will offer a sense for whether students are better able to find jobs or jobs in their fields after attending a prison education program than if they didn't attend the prison education program. So a data source and the job placement rates could be measured through surveys of former students. Employment information may be available via College Scorecard using IRS data. Employment information on high school graduates could be available through the Census Bureau. But we do welcome feedback or research from the subcommittee about employment or job placement rates of non-prison education program graduates. I see we have a hand up so I will pause there.

MS. MCARDLE: Stan.

DR. ANDRISSE: Yes. So I just wanted to raise the same point that I pointed out yesterday with this regard to this one in terms of thinking about adding language about the collateral consequences of people who leave prison or, you know, formerly incarcerated individuals. And I would offer the prison policy initiative. I believe it is PPI that has extensive data

on employment for people who leave prison and jail, and it has, you know, it has they have looked at the data by educational attainment. So I can send that along to the full committee. You know, I imagine that some may be familiar with that. But that may be something that's helpful. I do have concern about, you know, what, will there be a benchmark? I mean, are you moving towards writing in the language, a particular number that should be sought after? Or is it you know, are you not moving in that direction to make it, like in the regulations that they're, you know, the program needs X number or percent of employment.

MS. MCARDLE: Aaron, would you like to respond? If not, we can go to Dr. McTier.

MR. WASHINGTON: Sure. We wanted to talk about that during the second subcommittee session, and we wanted to kind of focus this session on the actual benchmark and providing you our rationale, providing you the rationale behind defining it. I mean, Congress wrote that we, you know, wrote in the statute that it has to be considered, but we must have the Department's rationale for defining it, and then discuss data sources and cohort for this meeting, and then that way we'd be able to-
(interposing)

DR. ANDRISSE: I would say defining

and using it is also my question I don't have opposition to including it. I just want further information on how it's going to be used. And, you know, to that regard, I think there needs to be language about the collateral consequences, and there needs to be, you know, reliable data based on you know, what employment data is for formerly incarcerated individuals. So I, you know, I'm not, in opposition to including it, I just have concern of how it's going to be used and that there needs to be language around collateral consequences.

MS. MCARDLE: Dr. McTier?

DR. MCTIER: I echo Dr. Stanley Andrisse on this point. For me, we already know these answers. We know that people with records are obtaining jobs at lower rates. And my question would then be, what type of jobs? Are we talking about jobs with 401k healthcare? Are we just talking about a very, very entry level job? I do have questions about the type of jobs data that the Department is trying to collect and does that job have to be related to the degree in which the student is seeking? I think the other piece to that is we have to also understand that it's not like students who are on the inside have an abundance of programs to choose from, it's typically one particular program that's offered at the prison, and then the students select that

program by default, right. But then when they get out, they might have/want to do something totally different, unrelated to their degree. So I'm a little bit curious about that, that benchmark. To me, it seems like there's a hidden agenda, as I mentioned that, you know, the Department might be saying that, okay, we're going to see if this works. And if it doesn't work, because they're not getting jobs, then we strip up Pell grant funding. I'm, I'm very concerned about us looking at job placement rates, especially because the data exists already. We know that it exists. So just want to put that out there. I will add this before I yield my time. You know, when we're looking at job placement rates, are we considering the fact that our students don't have access to internships and the other tools and resources that traditional students have on the traditional campus? When they're collecting that particular data? I think that we have to account for the differences between the institutional types when trying to collect that data.

MS. MCARDLE: Aaron, would you like to respond? Or should we go to Terrell?

MR. WASHINGTON: Just so I don't lose this, Dr. McTier, you said the data exists. And can you provide some of the data you're referring to, if you don't have it now that's fine. But like, can you provide

that through email? If extensive data exists can you provide that to us?

DR. MCTIER: In terms of whether or not people (interposing)

MR. WASHINGTON: Placement for those that are incarcerated versus those that are that (interposing)?

DR. MCTIER: Yeah, I can do that. I think the other issue is that we know that it's going to be it's going to look different state by state, that there's research on employers who won't hire people with criminal records. So I can provide that I don't know, what do you want four or five articles, what? I don't know what that what that data looks like for you.

MR. WASHINGTON: I mean, just any relevant data that you have. I proposed this College Scorecard using IRS data, but if there's other data, we'd be more than interested to hear about it. Thank you for letting me jump in, everybody.

MS. MCARDLE: Terrell, please.

MR. BLOUNT: Yeah, I think to answer the question around job placement, I think our goal should be to probably make this as broad as possible and the way that it won't hinder prison education programs from possibly being you know, allowed to register or

carry out courses, whatever that looks like implementing a prison education program. I will say that job placement rates shouldn't have been included in the first place because of everything that people have mentioned, the barriers that exist, the fact that job and labor market conditions kind of dictate the level of employment discrimination as Dr. McTier, you know mentioned, and also those policies that exist that maybe ban people with conviction histories, or specific conviction histories, and obtaining employment. So I think that's a reason why this shouldn't have been in there from the get-go. But operating, you know, from the understanding that this can't be changed, and it's more having the power and kind of influence in what job placement rates mean. I think, you know, just making sure that it's broad enough so that it doesn't prevent, you know, like, liberal arts programs from being in the facility, because it's maybe a little more challenging to prove to a corrections Department that a liberal arts education can lead to this type of employment as opposed to like those technical programs. So or like if a college wanted to teach African Studies in the prison, you know, it would be a challenge to come up with data on how many graduates with African Studies degrees, wind up getting employment, but that doesn't mean that that program is any less valuable to students,

as opposed to that, you know, welding certificate or, you know, any, like skill base program, and I think a lot of the comments that we've been hearing over the last two meetings, the conversation of corrections being and, and having a lot of power, and that say so and I think the emphasis on job placement, and focusing on that reentry piece too much. I think this kind of perpetuates that idea that we need to be inviting programs that are going to give people skills and lead to jobs is the piece that's a little problematic.

MS. MCARDLE: Aaron, would you like to respond? Or should we go to Belinda, and then Kim?

MR. WASHINGTON: Oh no, thank you for your comments Terrell.

MS. MCARDLE: Belinda?

MS. WHEELER: Great, thank you very much. Yeah, this is I'm really loving this conversation that we're having here. I think, you know, Dr. McTier mentioned, you know, the data, there's so much good data out there. And I just lift up briefly, the Rand Corporation's, recent report that they did on specifically spotlighting North Carolina, and you know, the Pathways Program, you know, for students and moving forward. And then also Danny Morello in California, his amazing report that he did the possibility the campaign

for College Opportunity, this is another area where, I'm not sure if I'm drinking too much of the education Kool Aid. But I'm really excited about this data point from the sense that, you know, if used correctly, and that we're not having, you know, predatory educational institutions trying to sell people a bill of goods, I think this is a really good opportunity for us to, you know, and I see how it's positioned under that two years of kind of, like, you know, checking to see how a program is going. And I think, you know, it's something as someone who used to, you know, teach at HBCUs, it's something that we're always looking at is, you know, where are our students being placed? Accreditation agencies, look at that, students look at that. And I think one of the things that, you know, to Terrell's good point, I think, if these educational partners that come into this space, are upfront and honest, you know, and they give students this choice, right, you know, you can do this degree, this degree, this degree, these are some of the, you know, these are some of the placement rates that we're seeing, you know, in X, you know, X field, you know, and these are the kind of income, you know, that you may expect to see, we're doing that on a lot of the traditional campuses with traditional programming. And I think making sure that students you know, whether

incarcerated or not, have access to these data points to know that there are unbelievable challenges here. This is a really good opportunity, again, being proactive, as opposed to reactive, where we can kind of help guide you know, both educational institutions that are, you know, doing good in this space and supporting them. But then making sure you know, there's so many many educational entities who want to be in this space that may not have the best interests of students, not just looking at the students as dollar signs, and I think this is a really good way for us to kind of make sure that students are getting the information, you know, available to them upfront about realistic possibilities. As an English major, you know, if a student wants to take English, that's great, but letting them know, because perhaps if they are currently incarcerated, they may not have a wealth of information with internet and telephone to kind of find out about what X degree like being able to compare degree X with degree Y, that they get a little bit more information. And again, for us on the, you know, on the outside who are trying to serve these students, making sure that if we do see, you know, by being able to collect this data in ways that we haven't been able to, to kind of see where some of these gaps are, so that we can work together as a team, you know, to lift up those

wraparound services or other things that need to be there. So thank you.

MS. MCARDLE: Kim.

MS. CARY: Thank you, Belinda, I think it's a what I have to say it's gonna follow up nicely to what you just mentioned, I understand the job placement rate component, I think really the idea should be the weight should be on the institutions, as to the programs that they are going to go in and say we want to offer these. I know, as a second chance Pell school, we really had to give a lot of thought to the program that we have, because students could potentially come out of that within a year. And so we know that they're not going to complete their program of study. So what classes do we want to make sure that they have up front that will benefit them the most, as they continue on in their education when they leave? Or if they do not? Do they have enough in those classes that we provided to them to help them find employment? I think the Department should weigh heavily the application requirements as this opens up to many, many schools to put the weight back on. Now I know I'm saying that for my colleagues, who will probably say no, but it really does fall back on us to make sure we are providing the proper programs, making available a variety of programs, but also building in those you know,

programs so that we know-- when I go for an interview, how am I going to handle that building, those kinds of things, in not assuming that they're going to know how to do that upon graduation, you build them into the program as opportunities. So I just challenge institutions that are listening and thinking about this and the Department to maybe look at the application process and make sure those types of things are built in. Thank you.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you. Let me let me propose a potential benchmark. So we could compare the job placement rate or the employment rate of a prison education program, prison education program graduates against the job placement rate, or the employment rate of those with a high school diploma. Or we can compare that against the job placement rate and/or the employment rate of formerly incarcerated individuals who do not complete a prison education program. So we're either comparing those with a high school diploma or the graduates of a prison education program (the job placement rates) to those that were formerly incarcerated but did not complete that prison education program.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: How exactly are we comparing them to the high school diplomas? It's a little

bit insulting.

MR. WASHINGTON: I that is just an idea. That is not as you can see on the screen, there's no regulations. I don't know, Vanessa may have taken it down. But there's no regulatory language there yet. But thank you, Vanessa. You don't have to leave it up there for the discussion. I think that was a good idea to take it down for the discussion. Thank you. Thank you for just showing it though, Vanessa. I think that was an idea. And the Department definitely takes your comments back to consider them. As you stated, you believe that it's insulting to compare them and compare those in prison education programs against those with high school diplomas.

MS. MCARDLE: Belinda.

MR. WASHINGTON: You have I'm sorry, Sophia. Dr. McTier, do you have any other ideas for potential benchmarking? How could we compare employment rates for graduates of prison education programs?

DR. MCTIER: So I would, I will have some. I just need some time to muster that up and provide them. But the reason why I said it's a little bit insulting is because again, high school students are graduating with their high school diplomas, and we can't expect them not to have that job experience. And they now

are saying a person with an associate's or bachelor's degree, now we're comparing them to someone with a high school diploma. Yeah, seems a little bit insulting to me,

MR. WASHINGTON: I can just I'm sorry, I apologize. But I really do apologize. I think Dr. McTier you said you would be willing to provide some other benchmarking. And as common as it is, you know, commentary arises, and if people and subcommittee members like it or don't like it, I think my next question will probably always be, if you could provide an alternative, that'd be very helpful. Thank you. I'm sorry, Belinda.

MS. MCARDLE: Belinda.

MS. WHEELER: You're fine, you're fine. Totally fine. So just a point of clarification, and maybe I don't want to minimize what you're saying, Dr. McTier because maybe I'm hearing it differently, or maybe I misheard, but what I'm potentially hearing right now isn't if I'm hearing it correctly, isn't that what the Department already does? Hasn't the Department already done that for traditional students, without any kind of carceral history-- we look at the employment rates data of someone with a high school degree, someone with an associate's degree, someone with a bachelor's, and we use that data to help students determine possible career

earnings? They might think about jobs they could get with a high school diploma, but boy, if I decide to do the associate's degree, I might be looking at this salary... If what you're suggesting as a potential benchmark is simply just doing that same thing. But putting it in the context for, this new student group that we're embracing as a country once again, after 1994. You know, like, again, I don't know if I'm doing the Kool Aid here, but it just seems to me that that would be really, you know, when we're thinking about access for students and students being well informed about what an educational degree could do for them, especially with so many people, you know, who are unfortunately, in this space, that are oftentimes first generation as well as other challenges that society is putting on them. I think this information, if I'm hearing this correct, would be really valuable, so that someone who is incarcerated or they have a loved one in the community, you know, and they're talking about, hey, Pell For All, you know, should I do it? I think perhaps some of this data would be really useful, because then there can be those conversations where people would be like, Okay, well, you know, I'm currently incarcerated, I'm completing my GED. I hope if I want to go into this career, this might be the potential, you know, income I could provide for my

family, for my community. You know, they do seem to have you know, perhaps in a utopian society, we have three different colleges in three different carceral spaces. And in the same carceral space, one offering an associate's, one offering a certificate and one offering a Bachelor's by having those data points, I would think that we would be providing students with information that would help them kind of perhaps, make educated decisions. But again, you know, Dr. McTier, if I have misread what you're saying, or if I didn't hear correctly what Aaron said. But from what I heard, it seems like this would be valuable information for students. So but feel free to push back Dr. McTier?

DR. MCTIER: No. So are, can I talk, is it okay? Yes. No, no, sorry. I think the way it was just stated was that compared to high school, students with a high school diploma, I think what you're saying is totally different in terms of like showing the different, the wide variety of educational opportunities. But again, I think this information is for the Department of ED, not so much the students, I think we would have to be responsible to get that information to the students, like the benchmark information is what I'm understanding. I just thought it was a little bit insulting to say, no when you get an associate's degree, it's going to we know

that, you know, when a person gets an associate's or bachelor's degree, there's been arguments about what it's equivalent to. Right? But to put that language into this document, I think, for me with I don't know, I just maybe I just interpreted that totally wrong. But your explanation is, eases me a little bit. I guess.

MS. MCARDLE: I see no hands right now.

MR. WASHINGTON: Okay. Thank you for that, Belinda. So, in thinking about a potential cohort that we would seek to include only students who would be released as well. So thinking about the potential benchmarking that we just discussed. Is there any other consideration that we should make for the cohort? For cohort comparisons?

MS. MCARDLE: I see no hands.

MR. WASHINGTON: Alright, what was the next one? I see. (Inaudible) I think Vanessa is posting it now. Here we go. Thank you, Vanessa. Alright. Okay, well, let's move into earnings (inaudible) that we have 24 minutes until lunch. So let's talk about let's move on into earnings now. And then we can pick back up after lunch with this discussion. So the rationale for is it's in the statute first, and then also, it provides a basic sense of whether students are better off having attended

the prison education program than if they had not. So one of the potential benchmarks that we consider--whereas comparing median earnings of a Prison Education Program graduate to the median earnings of a high school graduate and I think that that did appear on that did appear in the issue paper. And so I'll stop there and end for comment.

MS. MCARDLE: Belinda.

MS. WHEELER: I would just thank you for the opportunity, I would just reapply just what I'd said before, you know, just like job placement, just like earnings. I feel that if used wisely, this information, again, provide its existing information that we have for people who don't have carceral experience and data points and job earnings. I remember at my former institution, students would be like, hey, if I, if I do this degree, what is my potential job earnings? Again, if used wisely, as I'm expecting, you know, ED to be using the data points, I see this as valuable information for students and for potential students and also their communities.

MS. MCARDLE: I see no other hands.

MR. WASHINGTON: Thank you Sophia. So a potential data source would be that the Department of Education produces program level earnings via the College Scorecard using IRS data. Many states have wage matches

produced using state unemployment insurance systems. And their earnings of a typical, or the earnings of a typical high school graduate are available from the Census Bureau and have been used in scorecards, versatile earnings measures. So those are some potential data sources. Does anybody have any based on the proposed benchmark, are there any other data sources that the Department could or should consider? If you don't have any now-

MS. MCARDLE: Actually we have Belinda. Belinda. I think you're on mute.

MS. WHEELER: Sorry, sorry about that. So just a couple of data sources that, you know, we have seen that we have used in some of our work was also the, the IRS. Well, there was one study that used IRS data that was looking at found that about half of formerly incarcerated people found formal work within the first year of returning home and they tabulated data that showed that after a full year of release, it was approximately just under around \$14,000. That data source was, let me just see here what it was. It was Adam Looney, and Nicholas Turner, but they were using IRS data. To help with that report, I can send that via email, you know, to the to the group as well. But I just wanted to make sure that I lifted that up, since you'd asked. Thanks, Aaron.

MS. MCARDLE: No other hands.

MR. WASHINGTON: Thank you, Sophia. So potential cohort definitions will be the Department could seek to exclude students who have more than a certain number of years left on their sentence. This will require additional reporting. And we also could include wages for those individuals who graduated and are released. So I'll say that again, the Department could seek to continue to exclude students who have more than a certain number of years left on their sentence, and instead include wages for only those individuals who graduated and are released.

MS. MCARDLE: No hands.

MR. WASHINGTON: So I guess just stay on this one for a moment. Is this something that comes up—does the committee feel that the Department should be responding because the Department would calculate using the data that we use? Are they tapping into our own data sources, such as the College Scorecard using IRS data? Are there any other-- or does the subcommittee feel as though potentially institutions or the Bureau of Prisons would also have a stake in, you know, calculating or benchmarking or have any stake in the potential data sources that we would use? Or is it something that kind of like the continuing education post release, the

subcommittee thinks that the Department should kind of have ownership over the data? And calculation and the cohort and define the cohort?

MS. MCARDLE: Belinda.

MS. WHEELER: Can I just ask a point of clarification there, Aaron. So the very first part of the of what you'd said was about potentially blocking, was it blocking data of people who have like say someone and who are currently incarcerated, has a life sentence, but they do their degree, you know, in the first four years that they're actually incarcerated-- are you referring to not using that, like withholding that data until they get closer to the release so that there's no adverse kind of situation for a higher education prison program? Is that what you're referring to? I just want to double check that.

MR. WASHINGTON: Yeah, so we're just excluding students who have more than a certain number of years left on their sentence. Because if somebody has a license, and then they would probably have earnings. There would be there no post release earnings to benchmark.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: I think there's a level, for me, I'll speak for myself. So I'm trying to follow so

I'm reading the document, but some of the things that it seems like you're proposing or suggesting I don't actually see in the document, so it makes it difficult for me to provide a response. And so if it's possible, could you put that up on the screen for us visual learners? I see that document but what the additional stuff that you're mentioning and bringing up? I'm trying to process it and I need to see it.

MR. WASHINGTON: During the break I'll consult my colleagues and we can try and get something for you for sure.

DR. MCTIER: Thanks.

MS. MCARDLE: Terrell.

MR. BLOUNT: No, I was gonna ask the same thing. It's kind of difficult to make recommendations or even share thoughts just from hearing those pieces verbally.

MS. MCARDLE: And Belinda.

MS. WHEELER: Yes, thank you very much. To get back to your question, Aaron, about who would perhaps retain that data or keep an eye on that data? I do think because, you know, this is funding coming from the Department through Pell and because the Department is doing so much with accreditation agencies, the educational institutions and things like that, I

think from what we've been seeing, you know, at Vera with technical assistance, and you know, talking with second chance Pell programs that are part of the experimental side initiative, those data points coming from the Department of ED, are really good internally, you know, on that, on that micro level. When I was, directing a program myself, you know, being able to pick up the phone and go straight to the Department of ED or go to their website was really helpful. And then, you know, on this other side, as we're going to all of us going to be creating so much new information research, hopefully, in very positive ways to move this, you know, this experiment into something just absolutely beautiful. I do see a benefit with the Department of ED actually controlling this bucket, I'm not sure that we would have anyone else kind of controlling this bucket. And if the Department was thinking of potentially someone, someone else--,but I do think from, you know, both the value for the students for the dissemination of Pell monies and things of that nature, accreditation agencies, research, it does seem like a good, centralized place, and also equity for financial aid directors, and, you know, things of that nature, and program directors. So I just add that.

MS. MCARDLE: Dave. I think this has

been a really helpful discussion, I've appreciated hearing the views of everyone about how this might work. And its value to the community, we will have to think about how this might be done in practice. You know, as you guys mentioned, this is program level earnings and data are collected using classification of institutional program codes that institutions provide to the Department. Again, we're going back to NSLDS enrollment reporting. And that is a mechanism that we might be able to leverage for this process. However, there are some challenges that we will have to think about. One of them is the small programs, you guys just mentioned. In another context, that these are often small programs that have a small number of students. And there are privacy considerations that the Department has to take into account, when we have very small numbers of individuals in programs that we often have to de-identify and deal with that data, it might still be something that we can do. But we'll take it, we will take a look at it and see whether that's feasible. And we have Kim.

MS. CARY: Thank you. And I know for the state of Missouri, we have the Missouri Department of Higher Education with MDHE for the Missouri secondary and higher education areas they have if you receive Perkins funding, then you're required to do 180-day follow up

with your graduates so that maybe information that the states are already gathering from institutions as a data point that could be looked into if all states have the same type of formatting that they're required to do under Perkins.

MS. MCARDLE: And no other hands.

MR. WASHINGTON: Thank you, Kim. So let's so we did want to propose two different definitions for earnings. And another definition could be again, Dr. McTier, I know I'm gonna try and get to you something that gives you something to post after the break., But another measure just, we only have 10 minutes left until lunch. But another measure we were thinking of is measuring incarcerated students who enrolled in a prison education program against other students who did not-- to measure a wage premium. And the potential benchmark will be comparing median earnings of a prison education program graduate against the wages of someone who was incarcerated but did not enroll in college.

MS. MCARDLE: I see no hands.

MR. WASHINGTON: Some potential data sources will be that the Department will produce program level earnings via the College Scorecard using IRS data similar to our other proposed personal data source. And also, many states have wage matches produced using state

unemployment insurance systems. And we also welcome feedback or research from the subcommittee about the wage premium of prison education programs specifically in a potential cohort, the Department would seek to exclude students who have more than a certain number of years left, and instead include wages for only those individuals who have graduated and are released. And I think David is going to add more to this conversation on earnings.

MS. MCARDLE: So Belinda had her hand up for a sec. No, changed your mind? Okay. Dave. Sure, I wanted to give just a little bit more background as to why the Department is focusing on earnings for high school graduates as a point of comparison to earnings of graduates of a postsecondary program, specifically in this context that are graduates of a prison education program. As Belinda mentioned earlier, that comparison is something that we've been doing for some time through the College Scorecard, taking median earnings from the personal income tables, from the 2014, CPS ASEC, for high school graduates ages 25 through 34. And comparing that to the earnings data that we received through our MOU, you with Treasury, through the College Scorecard, and it's essentially intended as a measure of the labor value of postsecondary education in general. So I think the

idea here is that we would be applying that more narrowly to see what the added value of the prison education program is for individuals who graduated from that program. So just a little bit of context, and we can dig in a little bit more to the College Scorecard mechanism for doing that calculation if you guys are interested. Dr. McTier.

DR. MCTIER: Yeah, I think so hearing that, actually, that added value component was a concern. Higher Education and prison programs are an added value. Because without it, our students or individuals with records will continue to face barriers without the degree. I mean, they're facing it with the degree but definitely without the degree. So I think right there is, is the added value. So in hearing that comparing the data between-- so my question then becomes, are we getting permission from the students to track that data, where they work, their earning potentials? How would you go about that? Especially if students are transient between different locations, different jobs? How would that stuff be tracked?

MS. MCARDLE: Yeah. So that's an excellent question. And it's one that I don't have a perfect answer for. However, in general, whatever the IRS can track, we track because we, we get the data through

our MOU with Treasury, we then de-identify the data, so that the individual's information is not disclosed. But it's included in our calculation of the of the comparison of earnings. So we don't receive explicit permission from individuals. And again, this is for all post-secondary programs that we do this in the College Scorecard. But through that de-identification, we are able to act, take, get, you know, aggregate information about these individuals and their eventual earnings. What we can't control for is that there are sometimes earnings that we can't account for because it's not accounted for on a student's tax return. And that has come up in a variety of contexts. And this is another one where it would, it could be a source of concern, but it is something that we have to acknowledge that we only have information that's as good as the data source that we're working from.

DR. MCTIER: And I guess that's assuming that individuals are actually completing their tax returns. Because that's the other piece-- access to you know, technology and the, you know, computers too, if they're using TurboTax, or other things like that, or if they're going in person, but again, I think, you know, there's a lot of barriers with the tax in and of itself. So collecting that data, I don't know if it would necessarily be accurate. Because of the nature of the

population, right, that we're serving, Surely there's going to be individuals who do complete their taxes. I don't want to generalize this but I do know that there are a lot of others who are getting out. And taxes are the last of their concern. They're trying to survive, and they just don't have the necessary resources to provide that information. So again, it goes back to the Department of ED. Is that really needed? I mean, I guess it is needed, but I mean, for the population is it going to be accurate? And do we need to really include that information in this rulemaking process?

MS. MCARDLE: Dr. McTier. Aaron.

DR. MCTIER: So we're reaching, we're approaching the lunch hour. Perhaps we break here and come back to continue the conversation post break. And I will work on some things behind the scenes to get you all some more information on this chart. Does anybody have any further comments before we break?

MS. MCARDLE: Belinda.

MR. WASHINGTON: You're on mute,
Belinda.

MS. WHEELER: Alright, sorry, I would just reiterate again, that, you know, if used correctly, as we're imagining that they will, that this is a good, you know, a good resource for us as we move forward to

make really good equity, access, quality, you know, for individuals as they're starting their journey with education. And then, you know, again, you're looking at as educational partners, corrections, accreditation, others look at those wraparound services for individuals as they start reentry. You know, Dr. McTier brought up an excellent point, you know about the tax things. That's something that an educational institution themselves may not do. But this would, if we're seeing gaps with the data, this is a perfect opportunity, I think, for educational partners or others to reach out to others within the community to again, provide some of those wraparound services and things like that. So, you know, I think Dr. McTier is correct. I think it might look a little ugly, you know, the first year or two, you know, as we're trying to get this data, because there will be some slippages in places but, you know, assuming that, you know, we're all moving forward with the best interest of students in mind, which is exactly what this benchmark is supposed to be for, I think it's valuable for us moving forward. Thank you.

MS. MCARDLE: Cary. Kim, I'm sorry.

MS. CARY: That's fine. Just to follow up with what Belinda is saying, and those wraparound services are so critical. And institutions should take

extra care, to create those partnerships in the community, to help with those job placements. To know that as they're coming out, we've already talked with those corporations or businesses in our area to be more open to hiring formerly incarcerated students. That's just part of the partnerships that institutions are going to need to do moving into this new realm.

MS. MCARDLE: And I see no more hands.

MR. WASHINGTON: Okay, with that, let's move into our lunch break and reconvene at 1:00 p.m. Thank you all.

