

language/page in NegReg amendatory language document	Questions to consider	Notes, feedback, Comments, questions from THEI
<p>(page 4) determination that a prison education program is operating in the best interest of students must be based on all of the following—</p> <p>(A) rates of confined or incarcerated individuals continuing their education post-release;</p> <p>(B) job placement rates for such individuals;</p> <p>(C) earnings for such individuals;</p> <p>(D) rates of recidivism for such individuals;</p> <p>(E) whether the experience, credentials, and rates of turnover or departure of instructors for a prison education program is the same or substantially similar to the experience, credentials, and rates of turnover or departure of instructors for non-prison education eligible programs offered by the institution;</p> <p>(F) the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs for a prison education program must be the same or substantially similar to the transferability of credits for</p>	<p>A- How should this indicator be defined? How does THEI track alumni who continue education post-release? Are there data limitations from a HEP providers standpoint? USED seeks feedback on whether programs without relevant data in the first two years and receiving this preliminary approval should face other restrictions, such as enrollment growth or expansion to additional locations.</p> <p>B- does THEI track this? If so, how? We track who is currently employed from our current caseload.</p> <p>B & C - how are these data tracked for free-world students? Schools typically have access to employment information (at least in TN) and keep up with employment, so I think expecting schools to do the same for HEP is appropriate.</p> <p>What impact does this data have on an institutions accreditation? If none, is it equitable to include these for incarcerated students? how/why is data tracked for incarcerated that is not tracked for free world?</p> <p>D- how do we define/operationalize recidivism? What have we learned about this indicator as a data point for HEP/higher education? When should recidivism begin being tracked? Should it include any re-incarceration or only new crime/new conviction incarceration? What feedback do we have based on barriers/inequities with parole experience?</p> <p>F - THEI experience with</p>	<p>A -Restrictions on enrollment growth makes sense when schools have yet to establish how support services are operating and how students are being supported in their transfer and career opportunities, compared to their peers on the traditional campus.</p> <p>Another important measure of Quality could be staff to student ratio in terms of support services staff that interface directly with incarcerated students. Additionally, measures of direct (either in person or by zoom) contact with support services staff, compared to average engagement for a traditional student. In other words, if the average student has 5 “touches” with support staff such as advisors, librarians, and counselors in a given semester, it will be important to ensure a similar quantity of touches are happening in the HEP program. If this isn't something that a campus traditionally measures, then some other way of evaluating average amount of engagement with support staff could be appropriate. This measure is important for protecting against programs where students do not have direct access to any school support outside of their classroom engagement, which may only take place virtually.</p> <p>D. In order for recidivism to be an equitable measure in these instances, schools would have to also track their traditional students' likelihood of being incarcerated after enrollment. In other words, if the measure is “what impact does education have on decreasing chances of incarceration?”, that information should be collected regardless of if the student has been previously incarcerated or not. We know that education is a deterrent of crime/incarceration, so it could be valuable to measure the extent to which education deterred crime for all students. But to only</p>

<p>non-prison education eligible programs offered by the institution (G) whether the institution offers relevant academic and career advising services to participating confined or incarcerated individuals while they are confined or incarcerated, in advance of reentry, and upon release, that is the same or substantially similar to the services provided to students enrolled in non-prison education eligible programs offered by the institution; (H) the rates at which students complete their programs; and (I) if applicable, . other indicators pertinent to program success as determined by the Bureau of Prison, State Departments of corrections or other entity that is responsible for overseeing correctional facilities.</p>	<p>transferability of credits. G- What is relevant? What is the time frame for “in advance of reentry”? H - USED is considering barring programs with less than a 50% completion rate. What is THEIs? What is the state/national average? What bars do free-world campuses have if they don't have a 50% completion rate? Should data be disaggregated for race & ethnicity? I - ideas/suggestions for other indicators.</p>	<p>capture incarceration data for people who participate in HEP programs is inequitable. This is a measure of the effectiveness of the criminal justice system, and people who return home after participating in HEP programs experience many collateral consequences of incarceration which are not alleviated through education and should not be used to measure the effectiveness of education.</p> <p>G.The use of the word “relevant” in this guideline exposes students to great risk of being discriminated against in their advising and career counseling by schools who may use bias, rather than accurate licensure and department of labor information about what careers are and are not off limits to formerly incarcerated students. Quality programs will offer students the same academic and career advising services to participating confined or incarcerated individuals that is the same or substantially similar to the services provided to students enrolled in non-prison education eligible programs offered by the institution, and these offerings should not be subjectively clouded by assumptions about what careers are relevant to people in prison. This language needs to be more intentional to protect students from this undue bias.</p> <p>H. Completion rate is a complicated evaluation metric that can have adverse effects on admissions decisions if these evaluations aren't applied thoughtfully. For THEI, the largest factors leading to attrition (in no order) are students being released, students receiving writeups or being locked down, and students experiencing significant personal stressors that lead them to voluntarily drop. While schools can and should offer support services to alleviate the impact of voluntary drops, schools can't be responsible for prison-related drops like releases and disciplinary writeups or lockdowns. It would be important for programs to track the causes of their incompletes and for the data to be evaluated with those different reasons in mind, rather than incentivising</p>
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<p>(pages 5-6) (9) does not offer education that is designed to lead to licensure or employment for a specific job or occupation in the State if such job or occupation typically involves prohibitions on the licensure or employment of formerly incarcerated individuals in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release. (i) In the case of state and local correctional facilities, the postsecondary institution does not enroll any student in a prison education program that any Federal law or State law in which the correctional facility is located, bans, bars, or prohibits licensure or employment based on any criminal conviction or specific types of criminal convictions, for that specific prison education program; or (ii) In the case of a Federal correctional facility, the postsecondary institution does not enroll any student in a prison</p>	<p>Who tracks licensure bans in the state? Federally? Current approach in TN for career options/licensure requirements? Should ED prohibit these programs being offered? What about the freedom of students to choose and advocate for change in licensure policies?</p>	<p>Through partnering with the Tennessee Board of Regents and the legal firm Bass, Berry and Sims, THEI has learned a lot about how nuanced and misunderstood licensure laws can be when it comes to their impact on people with prior conviction history. The overwhelming majority of licensing laws do not have outright bans for formerly incarcerated people--rather, policies are to be subjectively evaluated on a case by case basis, or they are based on specific charges, timeframes, or classification of convictions. Often, formerly incarcerated students report that the biggest career barriers result from schools refusing admission to certain programs for fear of an applicant's hypothetical unemployability, rather than with the licensure boards or employers themselves. With this in mind, it is potentially very damaging for USED to ban schools from offering certain programs through using language as vague as "typically involves prohibitions". This could be applied to almost any profession in the country if interpreted liberally. Rather, schools should be required to provide students with clear licensure information in advance of admissions procedures, so that students can make informed choices about their degree and career pathways. While it is inappropriate to provide education programs for careers that would automatically prohibit these students, it is also inappropriate to ban programs that could benefit many individuals simply because their conviction history may be one factor in their ability to be licensed and employed. It's important not to create additional artificial education barriers that don't need to exist by law.</p>

<p>education program that any Federal law or State law in which more than half of the individuals confined or incarcerated in such facility will reside upon release bans, bars, or prohibits licensure or employment based on any criminal conviction or specific types of criminal convictions, for that specific program.</p>		
<p>(page 7) (E) Information about the types of services offered to admitted students including: orientation, tutoring and academic and reentry counseling;</p>	<p>None of the application items ask about admissions practices - goes directly to admitted students. What feedback can we offer on our experience asking questions about/ensuring equitable admissions practices? Consider DOC control, gatekeeping. How to reduce bias/barriers and increase access to equitable admissions.</p>	<p>Equitable admission policies are a critical component of evaluating quality HEP programs. Distinguishing between participation requirements and admissions decisions removes some likelihood of discrimination during admissions decisions. While prisons are able to set requirements for a person's program participation (like students must not have received a writeup within 6 months), and have the authority to grant approval of HEP program participants, it is important that colleges offer an admissions process that mirrors what happens on the traditional campus as much as possible. Prison officials that are not affiliated with a college or university should not be making primary admissions decisions.</p>