

From Penal to Postsecondary: Navigating the College -
Corrections Partnership through Second Chance Pell

By

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“History prepares the poor, the victims of unnecessary injustice, to spit at tradition, to blow up the laboratories, to despise all the knowledge recklessly loosened from the celebration of all human life. And still, it lies there, the university campus, frequently green, and signifying power: power to the people who feed their egos on the grass, inside the gates.”

– June Jordan, “Black Studies: Bringing Back the Person” (1969)

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Contents

Acknowledgements	3
Roots and Ties of the College-Corrections Partnership ¹	5
From “Tough on Crime” to “Second Chances”	30
Implementing Second Chance Pell and its Partnerships	59
The Role of the University in Mass Incarceration	95

¹ The term “college-corrections partnership,” used in the title and thereafter, was acquired from Vera Institute of Justice’s “Making the Grade” (Delaney et al. 2016).

² For the sake of style, the terms “college” and “university” and in some cases “school” will

Roots and Ties of the College-Corrections Partnership

In the fall of 2016, colleges and universities² entered into partnerships with State and Federal prisons under the Second Chance Pell Pilot Program, to bring higher education to students who are incarcerated. The program requires two institutions, one constructed to increase life chances, and the other to reduce them, working together in a paradoxical relationship. Though education and incarceration, I will argue, are ideologically at odds, there are aspects of both institutions that reflect the other. To unpack the complex relationship between schools and prisons that is at the core of Second Chance Pell, we begin here with the historical roots of both institutions: when they conflict, where they align, and how they merge.

Slavery and the American University

Historically, the University³ has been among the strongest colonial institutions of its time. The campuses not only became places for higher thinking and learning to occur in the Americas, their physical grounds became hubs of commerce, culture, and exploitation. Historian Craig Steven Wilder elaborates,

The first five colleges in the British American Colonies – Harvard (established 1636), William and Mary (1693), Yale (1701), Codrington (1745) in Barbados, and New Jersey (1746) –were instruments of Christian expansionism, weapons for the conquest of

² For the sake of style, the terms “college” and “university” and in some cases “school” will be used interchangeably to mean an institution of higher education.

³ In this work, “the University,” when capitalized, distinguishes the socially constructed institution. As noted by Grace Kyungwon Hong, using the term risks implying one monolithic university structure, which is not the case (Kyungwon Hong 2008). For the sake of the argument, however, the University here implies a historically white, research or liberal arts institution, stemming from a more or less colonial tradition.

indigenous peoples, and major beneficiaries of the African slave trade and slavery” (2013: 17).

Wilder adds that in the Mid-Atlantic and New England regions, higher education had its greatest period of expansion during the peak of the African slave trade, which, between the years of 1746 and 1769 saw the beginnings of what are today Princeton, University of Pennsylvania, Brown, Rutgers, and Dartmouth, all of which were founded and funded by colonial elites (2013: 49). Before the American Revolution, merchants and planters became the primary benefactors of these universities, funding campuses and college trusts. As a result, the politics of the campuses themselves catered to slaveholding students and the values of families made wealthy by the slave trade (2013). Not only did the funding of these universities rely on the buying and selling of slaves, their livelihood too depended on slave labor. As Wilder notes, “Access to enslaved people could be the difference between success and failure for colonial schools” (2013: 135). As a result, college towns became highly populated by slaves, brought there for purposes surrounding the University. With more slaves than faculty, students, or administrators, slaves became the backbone of these institutions, building them from the ground up, tending to the campuses, performing chores for students and faculty, and more (Wilder 2013).

Universities’ early dependence on slavery not only bound the nation’s intellectual culture to the slave trade; it secured the racial hierarchy and social order upon which institutionalized racism relied:

In the decades before the Civil War, American scholars claimed a new public role as the racial guardians of the United States. They interpreted race science into national social policy to construct the

biological basis of citizenship and to assert that the very presence of nonwhite and non-Christian peoples threatened the republic. They laid the groundwork for a century of exclusion and removal campaigns (Wilder 2013: 272).

Race science served as a basis for exclusion and discrimination of slaves and their descendants in the United States, denying them the moral status of personhood upon which human rights are based. Yet in so doing, it raised the prestige of the Academy through a secular science that protected the social order (Wilder 2013). Beyond the physical sciences, scholars constructed a positive defense of slavery, grounded in history, theology, and economics (Wilder 2013). The work of the Academy in this era would formulate the social structures of the United States, its definitions of citizenship, and, of course, criteria of access to institutions of higher education that preached a white ideal of civic responsibility.

Michael Roth, a professor of philosophy and President of Wesleyan University, describes Thomas Jefferson's and Ralph Waldo Emerson's ideals of liberal education in America as a type of learning that prepared one for autonomy and for citizenship: learning "led one away from the crowd; it helped one escape mere imitation and opened access to authenticity" (2014:62). That liberal model of learning, and the notion of striving for autonomy were not intended for non-whites. Constructed from the ground up by slaves, Jefferson's intellectual monument, the University of Virginia, is a common example used by academics to show how the University was both physically and metaphorically built on the backs of human bondage (2013). This Jeffersonian model of liberal education would promote the racist and exclusionary intentions of the University, training students in its defense.

However African Americans in the years following the Civil War knew of the power of education and demanded access, as they would through the Civil Rights Era, and after. Booker T. Washington, born a slave on a small Virginia farm, was educated at the Hampton Institute, a refuge and basic education center for ex-slaves in Virginia, and a central force behind educating black teachers to then expand educational access to black children (Roth 2014). After his education there, and after working as a teacher and administrator, Booker T. Washington helped launch the Tuskegee Institute, a similar institution in Alabama (Roth 2014). His push for basic education rested upon the philosophy that white Americans would only recognize black people as full members of society after black people achieved economic success (Roth 2014).

W.E. Burghardt DuBois, the first black person to receive a Ph.D. from Harvard, called attention to the importance of access to higher education specifically, suggesting that his race needed more than basic education or economic independence to overcome discrimination in pursuit of such recognition. In a speech given at the Hampton Institute he argued,

The aim of the higher training of the college is the development of power, the training of a self whose balanced assertion will mean as much as possible for the great ends of civilization. The aim of technical training on the hand is to enable the student to master the present methods of earning a living in some particular way (DuBois 1973 [1906]: 13).

This notion of power becomes a central reason for the fear of making higher education available to those who would otherwise be deferred to a lower education level, and socioeconomic rank. Thinking back to the Jeffersonian doctrine of

education, it becomes clear why universities, and why white elites, would be invested in barring black folks from an education intended to prepare one for autonomy and citizenship. In *The Souls of Black Folk*, DuBois recognized the Southern fear surrounding the education of its black residents:

And the South was not wholly wrong; for education among all kinds of men always has had, and always will have, an element of danger and revolution, of dissatisfaction and discontent. Nevertheless, men strive to know (2007 [1903]: 27).

Higher education for a nonwhite student, in other words, would distribute power to them⁴ its student in counteraction of their sociopolitical disenfranchisement. With an education at the highest level, a student would acquire the power to improve their own life chances and to advocate for changes that would benefit their community. Increased diversity in terms of access to higher education, then, and any education for that matter, would make fragile a social order based on race.

Industrialization Shapes Schools and Prisons

To remind, education enables economic mobility, as pointed to by Booker T. Washington, and shifts in social power, as raised by DuBois. However, such outcomes provided by education were not intended for blacks during the Reconstruction Period, the Jim Crow Era, and thereafter. With anti-black laws, combined with the extralegal institution of lynching, and a southern penitentiary system that so closely resembled that of the plantation, the South maintained the virtual non-citizenship of black Americans; education was virtually nonexistent

⁴ The forms of “they” are used throughout this work as a practical generic pronoun of gender neutrality.

(Davis 2003). In the North, through the Industrial Revolution, the main purpose of education was focused on maximizing the utility of the student, in preparation for their participation in a newly formed factory system. New York's Prisons in the early 1890s too were industrialized, establishing mass-production factories within their walls (Zoukis 2014). Since incarcerated people were viewed as surplus under early capitalism, and not as human potential to be realized, education inside the prison was seen as disruptive to labor time. While prisons boosted industry from within, they also functioned on their exteriors, structuring the modern industrial society at large. Sociologist and activist Ruth Wilson Gilmore explains the common function of the Prison in the development of nations like the US⁵:

These institutions of modernity, shaped by the rapid growth of cities and industrial production, faced a challenge – most acutely where capitalism flourished unfettered – to produce stability from “the accumulation and useful administration⁶” of people on the move in a “society of strangers” (Gilmore 2007: 11).

We will revisit the function of the prison in industrialization after first continuing with the central role education played in this new industrial era.

As previously noted, the discipline and stability necessary for participation in the factory system led schools to develop in a way that would encourage production and productivity. A large part of this model, as philosopher Louis Althusser explains, relies on education that conditions its students to perpetuate a ruling ideology, one that maintains the existing national value system and social hierarchy necessary for optimal production of capital (1984). According to Althusser, “The ultimate condition

⁵ By “like the US” Gilmore refers to secular states with participatory democracy, individual rights, and contemporary notions of freedom (Gilmore 2007: 11).

⁶ Here Gilmore quotes Foucault, who we will return to later in the chapter.

of production is... the reproduction of the conditions of production” (1984: 1). Under this philosophy, the school’s function, then, is to ensure that its students submit to this State-sponsored ruling ideology, so that they might become invested in it and perpetuate it. Althusser explains of education: “It takes children from every class at infant-school age, and then for years, the years in which they are most ‘vulnerable’... [I]t drums into them, whether it uses new or old methods, a certain amount of ‘know-how’ wrapped in the ruling ideology” (1984: 29). This “know how,” as Althusser calls it, refers to the hard skills students learn at each stage of their schooling to increase their utility. Through the process of acquiring “know how,” which is embedded in the instruction of subjects like mathematics, history, the sciences and literature, or taught directly through subjects like ethics and civics, students learn how to think and behave in a way that is most useful to the State (Althusser 1984). Althusser refers to the less concrete knowledge produced by schools as “rules of good behavior” (1984). These “rules,” Althusser explains, represent the attitude that each individual agent in the division of labor must take on to be most successful in that role (1984). Althusser’s “rules” include those of morality, and civic and professional conscience, ultimately intended to safeguard that individual’s respect for the division of labor, as well as the order established by class domination (1984). According to Althusser, for one’s education to be useful to the State, then, it must assure that each individual has both the skills and attitude to fit the socioeconomic position they will occupy, depending on their life circumstance.

Certainly, the position within the division of labor, for which schools prepare their students, is not random – it is deeply classed, raced, and tied up in a

sociopolitical network. The purpose of Althusser's educational structure is to ensure that such a social order is self-perpetuating. That is why students become workers of the State, again, reproducing the conditions for production. Logically, the longer a student remains in the education system, the more likely they are to defend the dominant ideology of the State, and the more power they will have to do so.

Conversely, students with less time in school will be subject to a more exploited role within the industrial system, and will have the "good behavior" to be efficient workers in that position. Althusser notes that a huge mass of students exit the school system at different key points which, not coincidentally, correlate to their role within the hierarchal structure of the division of labor:

Each mass ejected *en route* is practically provided with the ideology which suits the role it has to fulfill in class society: the role of the exploited (with a "highly developed" "professional," "ethical," "civic," "national" and a-political consciousness); the role of the agent of exploitation (ability to give the workers orders and speak to them: "human relations"), of the agent of repression (ability to give orders and enforce obedience "without discussion," or ability to manipulate the demagogy of a political leader's rhetoric) (1984: 30).

Those who remain in school the longest, who become Althusser's "agents of exploitation" and "agents of repression," are at once most powerful and again, most subscribed to the dominant ideology, from which they benefit. If we think back to the notion of *for whom* higher education was historically intended (largely the children of wealthy slaveholders), it is logical that part of the Academy's project was to create a social and scientific basis for the superiority of its own participants.

In Althusser's model, schools alone cannot do the work to maintain order; there are two "apparatuses" that work together to secure the conditions of capitalistic

exploitation. First there are the “ideological State apparatuses (ISAs),” such as education, that function through soft coercion of individuals (1984). These individuals perpetuate the dominant ideology of the State through participation and investment in schooling, and later in the workplace, as well as in the Church, and in everyday social interactions. The other “apparatus,” which Althusser calls the “repressive State apparatus,” consists of the prison, along with other centrally organized institutions of State power, such as the Police and the Military (1984). This “repressive State apparatus” functions more directly through violence and force, also to ensure the reproduction of the conditions necessary for production. Both “apparatuses” are necessary, and function mutually and simultaneously, to maintain order of an industrial State. As Althusser elaborates,

The class (or class alliance) in power cannot lay down the law in the ISAs as easily as it can in the (repressive) State apparatus, not only because the former ruling classes are able to retain strong positions there for a long time, but also because the resistance of the exploited classes is able to find means and occasions to express itself there” (1984: 21).

With the rise of industrialization, as Gilmore previously suggested, the prison system became a central feature in maintaining social order. As part of the repressive State apparatus, the Prison functions as a mechanism of control over individuals deemed deviant to the dominant ideology of the State, and therefore to the social order at large. Conveniently, the prison system institutionalizes, and marks these individuals’ deviancy through the title of the “criminal.” In so doing, the Prison induces a social fear that would prevent others on the outside from resisting order. Here is where we take a step back: if a school, a university no less, were to educate people held in the

Prison with the tools intended for the “agents of exploitation” and “agents of repression,” that education would likely disrupt and undermine the power and control of the repressive State apparatus. Without a change in the national ideology, they do not appear to fit.

Michel Foucault, however, points out the distinct similarities between educational and the carceral institutions, encouraging us to consider their compatibility in practice. Foucault interprets the physical body of each individual as an object of power, to be targeted and manipulated, corrected, disciplined and controlled, by both State-run institutions, in preparation for maximum productivity (1995). In addition, he suggests that schools and prisons tend to look similar, with “architecture generally left at the disposal of several different uses,” for varied forms of fluid disciplinary control (1995: 143). Moreover, Foucault notes that institutional spaces, such as those physically built for incarceration or education, both replicate a mechanical factory-like management of efficiency and surveillance. The school building, for example, “[makes] the educational space function like a learning machine, but also as a machine for supervising, hierarchizing, rewarding” (Foucault 1995: 147).

Inside their physical structures, Foucault theorizes, schools and prisons impose control through a regulatory structure of time and movement. Both environments, for example, limit movement by imposing a particular schedule on its subjects, complete with attendance checks, demerits for tardiness, and designated chunks of time for mass movement throughout the space. These disciplinary institutions are structured by what Foucault calls the “timetable,” a model that

prepares and coerces its subjects into maximum productivity, as it would in a factory (1995). For Foucault, this timetable is for imposing discipline, to “establish rhythms, impose particular occupations, [and] regulate the cycles of repetition” (1995: 149). In a school, this practice conditions the body and mind of the student into a worker who will benefit the industry for which they are deemed fit. In prisons and schools alike, disciplinary time coerces its subject, training them to move efficiently, and only when granted permission. As Foucault suggests of its purpose, “Time penetrates the body and with it all the meticulous controls of power” (1995: 152). Coercion of the student or “inmate” into a timetable, then, can occur simply as an exercise in institutional power, discipline, and regulation. What is more, the timetable becomes the student’s and incarcerated individual’s normal, becoming increasingly dependent on it as they lose agency and autonomy to the State.

Discipline, as Foucault describes, does not need to occur punitively; it is present in schooling at every level, seeping into its instruction of “know-how.” For example, while the student learns the correct posture needed for good handwriting, Foucault explains, they are also being rendered through discipline: “A disciplined body is the prerequisite of an efficient gesture” (1995: 152). Likewise, there is a certain posture that shows attentiveness – it is erect and faces the instructor or authoritative figure (Foucault 1995). The extent to which the student masters such skills and bodily control are reflected in their scholarly success, through grades and report cards, which then place the student in certain classrooms or on certain tracks according to their “aptitude.” Aptitude, then, not only measures their skills, but their discipline, and by extension, where in the division of labor they might be most useful.

Prisons hold the surplus populations that were not successfully indoctrinated in State-sanctioned schooling the first time around. Unlike students in the school, incarcerated individuals are separated from the social world for which they are being re-disciplined and/or permanently warehoused. Though the discipline in prison occurs through violence more than ideology, as outlined by Althusser's repressive State apparatus, Foucault sees the ways this discipline mirrors that of the school system. The two are similar, he explains, in their restoration of "the obedient subject, the individual subjected to habits, rules, orders, an authority that is exercised continually around him and upon him, and which he must allow to function automatically in him" (1995: 129).

As previously suggested, the Prison, like the School, is constructed in maintenance of a social order that extends past its own facility. Its looming presence reminds members of civil society that there is punishment, and disenfranchisement, for those whose identities or actions break from the dominant ideology. Through this notion Gilmore adds that the rise of prisons brought about the ideological value of *freedom*, as a patriotic privilege, but also as something conditionally granted by the State. She notes, "the justification for putting people behind bars rests on the premise that as a consequence of certain actions, some people should lose all freedom" (2007: 12). With a freedom to be lost, the omnipresence of the Prison as part of the repressive State apparatus controls and produces stability on the outside. Education has long been viewed as the antidote to a lack of freedom, providing economic and social mobility, and even power to students. Who we choose to educate, and how we

educate them, is tied to, and often directly contrasts with who we incarcerate, and what that incarceration looks like.

Gilmore continues, “Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled” (2007: 12). The punishing itself, then, is less functional to maintaining social order than the ideology that teaches us to want to be a student, a privileged position, rather than a “criminal,” a disenfranchised one. This notion is not lost on Foucault:

Although it is true that prison punishes delinquency, delinquency is for the most part produced in and by an incarceration which, ultimately prison perpetuates in its turn. The prison is merely the natural consequence, no more than a higher degree, of that hierarchy laid down step by step. The delinquent is an institutional product (Foucault 1995: 301).

To reiterate, both “delinquent” and “student” are institutionally produced, and though clearly the labels take on very different connotations, both roles are essential subjects of the State. In fact, the state *needs* both “inmate” and “student” to perpetuate itself, its dominant ideology, and its conditions of industrial and capitalistic reproduction. So what happens when we attempt to combine the two titles and their connected institutions? The question that arises through prison education is: how will the State and its institutional products treat incarcerated students? Moreover, which “inmates” are likely to be granted the opportunity to take on such a title?

A National Ideology in and out of Favor of Prison Education

Prison education, though it takes on many forms, is inherently political in that it recognizes “criminals” as “students,” deserving and capable of education, with

human potential to be realized. Logically, the higher the level of education provided to “criminals,” the more controversial the program becomes. Thinking back to DuBois’ point of the power embedded in higher education, and reconsidering Althusser’s model of education, postsecondary education provided to people who are incarcerated would, for example, call into question the authority of the repressive State apparatus, and the hierarchy it works to maintain. Because prison education is considered rehabilitative, its existence relies upon the extent to which individual correctional facilities as well as State and Federal policies impose a rehabilitative model over a punitive one.

Historically, prison education in the United States has fallen in and out of favor depending on the ideology of the time. In the early 1930’s, for example, academic and vocational prison education programs began to take hold in the prison setting. Christopher Zoukis, a scholar and advocate for prison education, who is himself incarcerated⁷, explains that vocational courses through correspondence were offered in select prisons such as Sing Sing during this time, with the notion that vocational education both “eliminate[s] inmate idleness and provides prisoners with marketable skills to assist with post-release employment” (2014: 39). This progress in prison education, however, was quickly suspended with the onset of the Great Depression. Prison education was by no means prioritized in national, state, and institutional budgets. Higher education entered into the prison space in 1953, but prior to 1965, direct educational programs at this level (as opposed to correspondence

⁷ Christopher Zoukis will be released from Federal custody in late 2018 after serving over 12 years in prison (Zoukis 2015).

courses) were extremely scarce inside prisons, and no prison education programs granted degrees (Zoukis 2014).

Up until the Civil Rights Era, and thereafter, Jim Crow policies were deeply engrained in American society and African Americans were segregated in schools and prisons, among most spaces. Legal scholar and civil rights activist Michelle Alexander explains that by the mid-1940s, African Americans were gaining political power by migrating away from a plantation economy and towards an industrial one. Meanwhile, the NAACP was growing in numbers and influence, bringing challenges to Jim Crow laws to federal court (Alexander 2010). Beginning with the Civil Rights Act of 1964, which formally dismantled Jim Crow, and the Voting Rights Act of 1965, which encouraged political participation of African Americans previously barred by voting discrimination, comprehensive civil rights legislation was turning in favor of prison education (Alexander 2010). Under President Lyndon B Johnson's Great Society domestic agenda, Congress passed The Higher Education Act of 1965, which, under Title IV, made an effort to expand access to higher education (Alexander 2010).

In 1969, the push to expand access to higher education hit City College of New York, which implemented an open admissions policy that changed the notion of higher education within the college, the state, and the nation. Black and brown students, and some faculty, including writer June Jordan, fought for the school to introduce this policy which would greatly increase the ethnic, cultural, and socioeconomic backgrounds of the college's student body. Jordan recalls the fact that those in opposition saw open admissions as "an intrinsic atrocity, which, if

implemented, would catapult the University into a trough of mediocrity at best” (1969: 46). In other words, there was a fear that racial diversity would dilute the rigor of the school. Roderick Ferguson, a professor of African American and Gender and Women's Studies adds, “For some, open admissions would be a corruption of academic standard, and for others it would represent the democratization of higher education” (2012: 77). Those in opposition to diversifying the college argued “that the people, as in a democratic state, preclude excellence: excellence of standards and achievement” (Oparah 1969: 46). “Excellence,” here, as it was used on many university campuses, refers to the traditions and prestige of the white Academy, that might be called into question if a more diverse university did not conform to its tradition. As Professor Bill Readings says of the word, “Excellence draws only one boundary: the boundary that protects the unrestricted power of the bureaucracy” (1996: 33). Although diversifying the University was interpreted as threatening to the unity of the institution during this time, policies like open admissions and federal aid pushed these institutions to at least tolerate such access to their campuses (Readings 1996). As we will see later on, racism in higher education is still embedded in the economics, politics, and ideology of the University today.

Seven years after the Higher Education Act of 1965 was signed into law, Senator Claiborne Pell, under Title IV of the Act, created the Basic Educational Opportunity Grant, later renamed the Pell Grant (Pell Institute 2017). Pell Grants serve as the basis of federal support for low-income students pursuing post-secondary education, providing awards to students, which do not need to be repaid (Pell Institute 2017). These Pell Grants were available to all low-income students, including those in

State and Federal correctional facilities (Zoukis 2014). President Johnson's civil rights legislation and War on Poverty showed a shifting ideology that included in its vision federally funded efforts to provide education to people who are incarcerated. From this point into the early nineties, the number of post-secondary prison education programs increased in almost every state (Zoukis 2014).

National attention surrounding prison education came to the forefront on September 9, 1971, during the infamous rebellion at Attica State Prison in New York. Prison Abolitionist and scholar Angela Davis explains that in addition to calling for adequate food, water, shelter, medical treatment, better wages for their work, and desegregation, the people incarcerated at Attica demanded access to educational programming. Davis adds, "They also wanted religious freedom, freedom to engage in political activity, and an end to censorship—all of which they saw as indispensable to their educational needs" (2003: 57). In response to the rebellion, New York Governor Nelson Rockefeller called in the National Guard, killing many people incarcerated at Attica as well as correctional officers, dropping tear gas from helicopters, and firing over two thousand bullets in nine minutes⁸ (Zoukis 2014: 40). The Attica rebellion, despite its casualties, was significant in swaying public opinion in favor of prison reform. According to Eddie Ellis, an antiprison activist who spent twenty-five years in prison, "As a result of Attica, college programs came into prisons" (Davis 2003: 57).

In direct response, more than five hundred people incarcerated at Attica were transferred to Greenhaven Prison, where Marist College, a New York State college

⁸ The actual casualties from the Attica Rebellion are not consistent between sources: Angela Davis reports 43 incarcerated individuals and 11 COs (2003: 57), while Christopher Zoukis says 29 incarcerated individuals and 10 COs (2014: 40).

began to offer classes in the facility in 1973 (Davis 2003: 58). Under Pell Grants, the college established a four-year bachelor's degree program on site (Davis 2003: 58). In general, Zoukis adds, "By 1973 there were 182 educational programs in prisons; by 1976, 237 programs; and by 1982, 350 educational programs flourished in prisons throughout the country" (2014: 41). Pell Grants supported postsecondary education programs that reached 27,000 incarcerated students, which was nine percent of the prison population at the time (Zoukis 2014: 41). They supported students pursuing associate's, bachelor's, and master's programs, over half of which were in maximum or medium security prisons (Zoukis 2014).

On the tail end of the Civil Rights Movement, around the early seventies, conservative policymakers systematically opposed civil rights activism, linking Martin Luther King Jr.'s philosophy of civil disobedience to a need for increased law and order, and framing activism as criminal rather than political (Alexander 2010). President Nixon claimed that the uptick in crime was due to this disorder and "[could] be traced directly to the spread of the corrosive doctrine that every citizen possesses an inherent right to decide for himself which laws to obey and when to disobey them" (Alexander 2010: 41). The University was not removed from this harsh politic; rather, it provided scholarly justification for crackdowns. For example, the "broken windows theory" introduced by Dr. James Q. Wilson and Dr. George Kelling in 1982, which suggested that minor social disorder ultimately lead to violent crime in any given neighborhood, resulted in "quality-of-life policing" whereby law enforcement targeted the petty crimes and civil misconduct of marginalized urban groups (Oparah 2014: 113).

Up until this time, more than 70 percent of all black people working in metropolitan areas had blue-collar jobs (Alexander 2010: 50). Yet major economic, political, and social changes left the black urban poor out of work and vulnerable to the racist backlash to the civil rights movement. In addition, as globalization and deindustrialization of the US economy began, the white working class was pitted against the black. In the early eighties, President Reagan officially announced his War on Drugs, which grounded the ideology of cracking down on the “undeserving poor” through the mechanism of drug arrests and convictions. Alexander notes that by 1987, when the Drug War hit high gear, the industrial employment of black men had plummeted to 28 percent (2010: 51). With manufacturing jobs moving out to the suburbs, inner-city communities suffering from economic collapse without those jobs were looking at a serious decline in “legitimate” employment opportunities (Alexander 2010). This increased the incentives to enter the criminalized drug market, most notably through the selling and distribution of crack cocaine.

Law enforcement arrested and convicted black communities en masse through harsh minimum sentencing and “three strikes” conditions. In 1982, the time that Reagan officially announced his War on Drugs, Alexander adds, “less than 2 percent of the American public viewed drugs as the most important issue facing the nation” (2010: 49). Using Gilmore’s point on the utility of laws, we see that policymakers under the War on Drugs criminalized a largely non-violent behavior in order to impose a strict social order on a population deemed threatening, and for a society in need of “stability.” Put simply, tough-on crime law enforcement intended to maintain

the subordination of the black urban poor; out of that intention, mass incarceration was born.

Alexander refers to the system of mass incarceration as “The New Jim Crow” because its outcomes were effectively the same as its more blatant predecessor, stripping a generation of the civil rights their parents had fought to obtain (2010). In fact, the Thirteenth Amendment, which abolished slavery and involuntary servitude, did so “except as a punishment for crime whereof the party shall have been duly convicted” (Constitute Project 2013). This clause allowed for a modernized slave system to take hold that mimicked its previous effects. Drug War and other criminal convictions, for example, ensured that a large percentage of black men in the United States would be legally barred from voting, as they have been for most of American history (Alexander 2010). This was a bi-partisan effort that, into the nineties, revealed little inclination to slow the momentum of incarceration. Alexander notes that the Clinton Administration’s policies actually increased the number of people incarcerated in federal and state prisons more than any president in American history (2010). Under President Clinton, anyone convicted of a felony drug offense, including simple possession of marijuana, was ineligible for welfare and food stamps (Alexander 2010).

Logically, prison education did not fit with this tough-on-crime ideology either. The Violent Crime Control and Law Enforcement Act of 1994, which President Clinton signed into law, confirmed the punitive ideology of State policy in the nineties. Among other harsh measures, the Act made all people incarcerated in State or Federal prisons ineligible for Pell grants and student loans (Zoukis 2014).

Almost immediately, the vast majority of the hundreds of prison education programs that existed up until then collapsed. New York, which hosted seventy prison education programs alone, was left with four (Zoukis 2014: 42). Even the Marist College program, developed in the wake of the Attica Massacre, had to close after twenty-two years (Davis 2017: 57). Educating incarcerated people now opposed State policy because it undermined the notion that “criminals” were undeserving of empathy, assistance, and freedom of any kind. “The contemporary disestablishment of writing and other prison educational programs,” Angela Davis explained, “is indicative of the official disregard today for rehabilitative strategies, particularly those that encourage individual prisoners to acquire autonomy of the mind” (2003: 57). Zoukis adds, although prison education programs had only received one-tenth of one percent of Pell money at their peak, snatching Pell Grants from incarcerated students was justified through fiscal as well as moral arguments, and participating colleges were criticized (2014: 43). What is more, there was no increase in awards granted to “traditional” students after changing conditions for eligibility, because anyone who is eligible for a Pell Grant receives one (Zoukis 2014: 43). In any case, incarcerated students themselves were not the ones receiving money from these Pell Grants; rather, it was the participating institutions of higher education who relied on these funds and lost financially. Julia Oparah, a professor of ethnic studies, notes, however, that universities in the nineties also gained tremendously from the growth of the prison industry, investing in private prisons, which became a major source of growth for their endowments (2014). Oparah explains that universities tied their endowment growth to the success of the private prison industry, both “through direct

investments and less visible financing via endowment management companies that own sizeable stakes in prison corporations” (2014: 110)⁹. In general, university investments in the prison system, their attempts to curate the racial makeup of their campuses to evoke whiteness, and their justifications of tough-on-crime policies, mirror a historic perpetuation of white supremacy.

The School To Prison Pipeline Realized and its Potential in Reverse

In the contemporary United States, young people of most socioeconomic backgrounds are indoctrinated with the seemingly simple phrase, “stay in school.” Research in levels of schooling and incarceration rates consistently supports this stay-in-school advice, showing that people who are incarcerated have had significantly less formal schooling than those on the outside. In 2003, 48.4% of the general population in the United States had achieved postsecondary education, yet only 12.7% of people incarcerated had attained that level of education (Harlow 2003: 1). Though disproportionately, this is a trend that applies across racial lines. In 2009, one in nine black men aged 20 to 34 was incarcerated, but the ratio falls to one in three for black men in this age range without a high school diploma or GED. For white men, 20 to 34 years old, the chances of incarceration were one in fifty-seven, but fell to one in eight for those who lacked a high school diploma or GED. For Latino men, incarceration rates were one in twenty-seven, and one in fourteen for those with the same low education levels (Delaney et al. 2016: 9). That is to say, staying in school

⁹ Due to lack of transparency in university finances and endowment management companies, university investments are nearly impossible to track, which prevents students and other actors from holding their institutions accountable, though some divestment efforts have been successful.

means staying out of prison. According to a report done by Vera Institute of Justice, the average level of education for a State prisoner is 10.4 years (Delaney et al. 2016: 6).

But for some, staying in school is easier said than done. Oparah notes, “Low income families of color see education as a pipeline for their children out of the economically disadvantaged neighborhoods that the prison-industrial complex feeds on” (2014: 109). In a similar vein, as outlined in the next chapter, advocacy surrounding prison education often demonstrates a correlation between access to education for incarcerated people and successful reentry. The “pipeline” however, works in both directions. In the primary and secondary school systems, and especially in urban public school systems, the ability to stay in school depends on a student’s class, race, parental involvement, geographic location, and among other factors, the severity of their school’s disciplinary system. In many underfunded public school districts, budgets are increasingly spent on surveillance equipment and policing (Oparah 2014). The presence of surveillance cameras, metal detectors, and security personnel in these schools, combined with “zero-tolerance” disciplinary measures, results in increased levels of expulsion and arrests, together referred to as the School to Prison Pipeline.

Some school systems today tend to mirror Lois Althusser’s model of ejecting students *en route* at the time at which that student will best serve their role in perpetuating a dominant ideology: if the student becomes deviant while in school, they are no longer useful to the function of the school, and are excluded from gaining any more social or economic capital through educational attainment. Through their

disciplinary procedures, schools determine and distribute life chances according to the extent to which the behavior of its students aligns with the interests of the institution and, by extension, the dominant ideology. Since these disciplinary policies in schooling often reflect the racist policies of other forms of law enforcement, the School to Prison Pipeline tends to target and disproportionately punish students of color. As the National Association for the Advancement of Colored People reported:

[I]n 2000, African Americans represented only 17% of public school enrollment nationwide, but accounted for 34% of suspensions. Likewise, in 2003, African-American youths made up 16% of the nation's overall juvenile population but accounted for 45% of juvenile arrests. Moreover, studies show that African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the same kind of conduct at school (2005: 7).

It is no coincidence that who the State incarcerates, and who it targets in the education system, is deeply connected and embedded in the interests of a State that prioritizes whiteness. Such a system, Oparah notes, “is a sharp contrast to the belief in education as a pipeline to social and economic mobility that is held by many low-income parents” (2014: 109).

In general, level of schooling is often a strong predictor of “success” or life chances of an individual. That is because the ability to stay in school largely determines one’s ability to successfully work and live within the social confines of civil society. Those who do not make it through school, however, become surplus population, occupying State facilities and institutions. The criminal justice system’s impact on schooling extends past the individual; it is also intergenerational. Children with an incarcerated parent tend to have lower grade point averages, complete fewer

years of schooling and are more likely to drop out before graduating high school (Morsy and Rothstein 2016). What is more, according to the Economic Policy Institute, “On any given school day, approximately 10 percent of African American schoolchildren have a parent who is in jail or prison” (2016: 7). There is a clear educational achievement gap between students made vulnerable by the criminal justice system and those who are not. Yet in the wake of tough on crime policies, prison education provides the possibility of *reversing* the current school to prison pipeline, giving incarcerated people the opportunities offered by education that were unattainable to them the first time around. Giving students in prison the opportunity to obtain a postsecondary degree, for example, would improve or even repair the life-chances of someone whom the State has deemed a threat to society, deserving of punishment, and unworthy of rehabilitation.

From “Tough on Crime” to “Second Chances”

In the early Nineties, Stephen Tremblay and Jason B. Nicholas, both incarcerated at Collins Correctional Facility in Collins, New York, were receiving Federal Pell Grants to pursue their college education. After the Violent Crime Control and Law Enforcement Act of 1994 prohibited the use of Pell Grants by incarcerated students, Mr. Tremblay and Mr. Nicholas, along with countless others, found it impossible to offset the cost of their education. They would no longer be able to take college courses, and would fall short of the 120 credit hours needed to receive a Bachelor’s degree (Tremblay V. Riley 1996). Both filed class-action complaints, challenging Section 401(b)(8) of the Higher Education Act, the section that was amended in 1994 to prohibit the award of Pell Grant funds to any incarcerated individual in a Federal or State penal institution. Richard Riley, the Secretary of Education at the time, moved to dismiss the complaints (Nicholas V. Riley 1995; Tremblay V. Riley 1996).

Nicholas V. Riley took place in the U.S. District Court of the District of Columbia on January 17, 1995, and his classmate’s case, Tremblay V. Riley, took place in the U.S. District Court of the Western District of New York on March 6, 1996. In both cases the judges promptly dismissed the complaints. In the 1996 case, Mr. Tremblay argued on his own behalf that he had a particularly great need for education because he was socially and economically disadvantaged, and because the Parole Board would take his educational accomplishments into account in deciding whether he would be granted parole” (Tremblay V. Riley 1996). He claimed that the barring of Pell Grants through the Violent Crime Control Act violated constitutional

law for three reasons: first, that the Violent Crime Control Act is an ex post facto law¹⁰ because it imposes a punishment, the denial of Pell Grants, for his criminal conduct which occurred prior to passage of the Act; second, that denying Pell Grants to people who are incarcerated violates the Equal Protection¹¹ and Due Process Clauses of the Fifth Amendment; and third, that the barring of Pell Grants constituted cruel and unusual punishment in violation of the Eighth Amendment (Tremblay V. Riley 1996). U.S. Assistant Attorney Anne VanGraafeiland argued against all claims, which were dismissed by Chief Judge Larimer (Tremblay V. Riley 1996). Such dismissals quickly proved that the ban on Pell Grants would not be resolved through litigation; such a change would have to come from the Federal Government itself.

Thirteen Years Later: A Renewed Interest in Prison Education

In the early years of the 21st century, it was clear that tough on crime policies had left the nation in a crisis of mass incarceration. In 2007 the American Civil Liberties Union (ACLU) reported that the United States held 2.2 million people behind bars nationwide, which represented a 500% increase in the U.S. prison population over 30 years (2007: 21). According to the ACLU, “the U.S. [had] 25% of the world’s prisoners but only 5% of its population” (2007: 21). To contextualize that figure, more than one in one hundred adults in the United States was “locked up in America” (PEW 2008: 3). What is more, instead of expanding access to higher education for students with limited resources, in order to promote increased levels of

¹⁰ The Constitution prohibits ex post facto laws, which are laws that reach back in time to punish acts that occurred before enactment of the law.

¹¹ Equal Protection here applies to classifications of people who are incarcerated and those who are not, as well as between people incarcerated at State and Federal prisons and those at local penal institutions (who remained eligible for Pell Grants).

employment and social mobility, states were shifting their focus to expanding the capacities of their prisons. In fact, from 1987 to 2007, states collectively increased corrections spending by 127 percent, while increasing their spending on higher education by just 21 percent (PEW 2008: 15). In 2007 the five states of Vermont, Michigan, Oregon, Connecticut, and Delaware, spent as much or more on corrections as they did on higher education (PEW 2008: 16).

In contrast to higher education, which is widely held in the US as the key to success and the modern-day American Dream, a criminal record has become the all-too-common ticket to second-class citizenship. Due to formal policy as well as the social stigma of a criminal record, American society rejects people who have been convicted of a felony. In this “New Jim Crow” model, applicants must answer questions regarding their criminal history when applying to college, to a job, and for welfare, to name a few. That “box” is enough to deny a person access to these opportunities, and by extension, equal citizenship. As sociologist Erving Goffman explains of one’s release from an institution, “if and when he gets out, his social position on the outside will never again be quite what it was prior to entrance” (1962: 72). We see now how the “criminal” is marked, either formally or informally, as undeserving of the same life chances as their law-abiding peer, in every realm.

Yet moving towards the height of mass incarceration, it was becoming increasingly clear to policymakers that the weak reentry pipeline was not working. Without adequate community or governmental support, previously incarcerated people were channeled back into communities structured to exclude them, and many soon found themselves back in overcrowded prisons. Policies shifted away from the

punitive “tough on crime” and “zero tolerance” principles that spurred such high levels of incarceration and disenfranchisement enacted in 1994. Instead they moved towards “smart on crime” and “evidence-based practices” intended to effectively reduce crime and improve the quality of the reentry process. This shift represented a change in the ideological relationship between the strength of the State and disenfranchisement. In the “tough on crime model,” policymakers attempted to strengthen democracy by disenfranchising those who undermined it, or questioned its authority, limiting participation to ‘productive’ members. As Gilmore and Foucault previously outlined, the disenfranchised served as a reminder to full citizens to continue to abide by State norms. Yet with the size and cost of the disenfranchised class in the early 2000s, both policymakers and the general public people were losing confidence in the current system. In addition to the financial burden of mass incarceration, political and civic participation so blatantly failed to reflect the racial makeup of the country.

As a result we see a shift away from a punitive approach to criminality and toward a rehabilitative one, providing those who the State had disenfranchised with the tools and support to become “productive citizens¹².” A large piece of this approach revolved around increased educational efforts for those reentering their communities. The Second Chance Act of 2007: Community Safety Through Recidivism Prevention marked this shift on the Federal level. The intention of this Act was to “reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve

¹² A “productive citizen,” as policymakers often use the term, generally points to an employed taxpayer who is not on welfare, and who does not pose a threat to the dominant ideology.

reentry planning and implementation, and for other purposes” (U.S. Congress 2008). Under the Second Chance Act, Congress would reconsider and further investigate educational efforts inside the nation’s prisons.

Upon the introduction of this Bill by Representative Danny Davis of Illinois’ 7th congressional district on March 20, 2007, it was clear that the legislation would pass, receiving bi-partisan support among a geographically diverse group of representatives: the fifteen representatives introducing this Bill represented the twelve states of California, Georgia, Illinois, Maryland, Michigan, New York, North Carolina, Ohio, Texas, Utah, Virginia, and Wisconsin; nine were Democrats and six were Republicans (GovTrack 2007). Less than two months later, the Bill had gained 78 additional sponsors in the House of Representatives, and on November 13 of that same year, the Bill passed by a vote of 347 – 62¹³ (GovTrack 2007). It passed the Senate on March 11, 2008, and was enacted by President Bush on April 9, 2008 (GovTrack 2007). That is to say, nothing about the Second Chance Act was found to be particularly controversial, or in need of major revision; across party lines and across the nation, it was clear that mass incarceration was out of hand, and recidivism reduction was in order.

The following are some of the points reported in the “Findings” section of the Second Chance Act. Such figures underlie the bipartisan confrontation of the severity of mass incarceration, which reached its peak two years after the Bill was introduced¹⁴:

¹³ The Bill was passed under a procedure in the House of Representatives called “suspension of the rules,” typically used to pass non-controversial bills.

¹⁴ The language and formatting of each bullet point to follow here is written as it appears in the “Findings” section of the Second Chance Act of 2007.

- In 2002, over 7,000,000 people were incarcerated in Federal, State, or local prisons or jails, or were under parole or court supervision. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.
- Nearly 2/3 of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.
- According to the Bureau of Justice Statistics, expenditures on corrections alone increased from \$9,000,000,000 in 1982 to \$59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims (U.S. Congress 2008 Sec. 3b).

As previously noted, The Second Chance Act of 2007 is of particular interest to the advocates of prison education. One of the “purposes” listed in the Act is “to provide offenders in prisons, jails or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community” [U.S. Congress Sec. 3a(6)]. The Act specifically calls attention to this purpose by including figures to confirm the notion that the prison population is disproportionately, and alarmingly, undereducated, and in need of educational services preceding their release:

- According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.
- Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.
- Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.
- The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism (Congress 2008 Sec 3b).

Formal education is widely believed to be the most effective antidote to the stigma of a criminal record. As discussed in the previous chapter, education provides an individual with the technical, intellectual, and social skills to enter the workplace. What is more, the formality of a State-sanctioned education while someone is serving time does something particular for that individual: it communicates to a potential employer that this individual has been, in a sense, cleared by the State as a low-risk hire. The Second Chance Act cites studies showing that “1 year after release, up to 60 percent of former inmates are not employed” [2008 Sec 3b (18)]. Since unemployment upon reentry is linked to recidivism and parole violation, and makes for an unhealthy economy, policymakers through this Act sought out to improve this statistic. To do so, the Second Chance Act set aside funds through the Bureau of Justice Assistance to investigate potential future projects in the expansion of educational programming inside the nation’s prisons. They were looking for “evidence-based” approaches with proven efficacy. Such an approach to prison education by policymakers, with the concern for recidivism reduction and cost-effectiveness, would become the primary approach to the push for implementation of rehabilitative measures, particularly education, in that it held the most potential to enact change.

Momentum builds in the Fight for Pell Grants

In this same moment, non-government groups such as the National Association for the Advancement of Colored People (NAACP) were pursuing a

second approach to advocating for the expansion of prison education programming. Unlike the governmental, fiscal approach, these groups advocated through the lens of civil rights. The NAACP demanded access to college in prison by concentrating on racial equality, which presented a blaring difference to the race-blind Second Chance Act. Under this civil rights-oriented approach, the outcomes of prison education programs were already non-contestable: access to education, and more specifically higher education, for people who are incarcerated provides an opportunity for a successful community reentry and socioeconomic mobility. In the same period as the Second Chance Act's development, the NAACP released their annual set of resolutions. Within the "Criminal Justice" section of the NAACP's "2007 Resolutions" was "the restoration of Prisoners' Pell Grant Eligibility" (2007: 12).

The Resolutions cited many of the same concerns as Congress regarding the uptick in incarceration rates, high recidivism rates, and cost inefficacy of the criminal justice system in order to advocate for the reinstatement of Pell Grants to people who are incarcerated (2007). But the NAACP also included the following points, which directly point to the racial discrimination of the current system¹⁵:

- WHEREAS, Incarceration rates are at historic highs, with the majority of prisoners in the United States being persons of color.
- WHEREAS, Higher education is the most important determinant to economic and professional success with degree-possessing parolees having the highest employment and wage rates of released prisoners.
- WHEREAS, Pell Grant funding eligibility is crucial to expanded and equitable Post-Secondary Education opportunities in United States' prisons.

¹⁵ The language and formatting of each bullet point here is written as it appears in the NAACP's "2007 Resolutions."

- WHEREAS, Prior to their Pell Grant eligibility exclusion in 1994, prisoners of color composed approximately half of all Post-Secondary Correctional Education enrollments, thus people of color were disproportionately negatively impacted when prisoners were arbitrarily expelled from the Pell Grant program.
- WHEREAS, There are more black males incarcerated in the nation's prisons than are enrolled on American college and university campuses (2007: 12).

Here the NAACP articulated why restoring access to higher education for people who are incarcerated is a racial issue. The fact of the matter is that providing opportunities for higher education in prison would disproportionately help people of color, particularly African American men, because the systemic racism embedded in the American criminal justice had disproportionately hurt them.

The NAACP's attention to Pell Grant access in prison, as a civil rights issue, spurred a ripple effect. Three years later, the American Federation of Teachers included "Restore funds for college education for the incarcerated" in their "2010 Resolution" (American Federation of Teachers 2010). In their "Resolution" the American Federation of Teachers wrote: "70 percent of prisoners in the U.S. are people of color, a situation that amounts to mass incarceration with racially differential enforcement, often under the rubric of the war on drugs" (American Federation of Teachers 2010). The push to restore Pell Grants to prisons, where they had not served students since 1994, was catching on in the fields of criminal justice and education reform. A year after the American Federation of Teachers released their "Resolution," the Students for Sensible Drug Policy partnered with the College and Community Fellowship, which helps formerly incarcerated women pursue higher

education, along with JustLeadershipUSA, the Center for Community Alternatives and other advocates, to form the Education from the Inside Out Coalition, a collaborative effort to increase access to higher education for students involved in the criminal justice system.

In this ongoing campaign for Pell Grant restoration, the Education from the Inside Out Coalition sheds a more humanistic light on the issue through their advocacy, which further distinguishes this civil rights approach. Vivian Nixon, Executive Director of the College and Community Fellowship and a founder of the Coalition, described the moment Pell Grants in Prison were halted: “Literally overnight, college programs went away, and overnight, so did hope for millions of prisoners who were looking for a way to transform their lives” (Education from the Inside Out Coalition 2011). This narrative contrasts dramatically with the punitive justification for the policy under the Clinton Administration in ‘94. Even under the Second Chance Act of 2007, the Federal government was more focused on outcomes of prison education rather than its immediate rehabilitative benefits to students. Yet Glenn E. Martin, Founder and President of JustleadershipUSA, and Co-Founder of the Coalition, addressed these benefits in recollection of his own experience pursuing postsecondary education while incarcerated: “I feel as though I visited more places while I was in prison going to college than I ever visited living in Bedford Stuyvesant, Brooklyn, that’s for sure” (Education from the Inside Out Coalition 2011)¹⁶. Martin’s words speak to the emancipatory power of education itself. Such notions of hope, transformation, and liberation frame prison education as a civil rights

¹⁶ Vivian Nixon, like Glenn E. Martin, was previously incarcerated, however she did not have access to higher education during her time in prison.

issue, and one that extends past the realm of criminal justice. As the Education from the Inside Out Coalition suggested,

Success in higher education in prison carries far beyond prison walls. More than 50% of incarcerated people have children. When parents participate in postsecondary education the likelihood their children will go to college increases, creating more opportunities for multiple generations to climb out of poverty (2015).

For the Education from the Inside Out Coalition, the fight for access to higher education in prison, then, is one of racial equality, equal opportunity, and economic independence. Such concepts are not dissimilar from the concepts Booker T. Washington and W.E.B. DuBois raised years ago.

Dallas Pell, the daughter of Senator Claiborne Pell, and a member of the Education from the Inside Out Coalition, has also advocated for access to Pell Grants in prison, taking on the even broader human rights approach that her father undertook when originally creating the Pell Grant. Dallas Pell reminded, “My father once said ‘the strength of the U.S. is not the gold at Ft. Knox or the weapons of mass destruction that we have, but the sum total of the education and the character of our people’” (2013: 87). Under the Pell Grant, any student who qualifies receives funding for their education. Although utilized in a punitive way in 1994, the Pell Grant itself is based on the notion that no one should be denied access to education because they are socioeconomically disadvantaged.

Of course, the Education from the Inside Out Coalition acknowledged that the civil rights approach alone would not change policy; the numbers needed to justify higher education in prison under the requirements of the fiscal, governmental

approach. As Dallas Pell noted, citing the U.S. Department of Justice, that prison-based education is “the single most effective tool for lowering recidivism” (2013: 86).

In terms of cost, the Education from the Inside Out Coalition spelled out:

In 1994, at its highest rate of in-prison usage, awards to incarcerated students represented 1/10 of 1% of total grant awards. The cost of providing a college degree to an incarcerated student is \$2000 to \$3782 while the cost of incarcerating a person for 1 year is \$31,307 (2015).

In addition, no student who is Pell-eligible would lose funding under the expansion of access to people who are incarcerated (Education from the Inside Out Coalition 2013). Vivian Nixon added, “When you provide someone with an education, it is an economic boost not only to them and their families, but to our society as a whole (Education from the Inside Out Coalition 2011). Finally, Glenn Martin expanded upon Nixon’s point, suggesting that policymakers and the general public did not have to share a sympathy for people who are incarcerated to get on board: “People get college degrees, they get jobs, they pay taxes, they pay fines, fees, restitutions, child support; it’s worth the investment...If you don’t care about prisoners, fine, care about your wallet” (Education from the Inside Out Coalition 2011). In sum, the restoration of Pell Grants fit the agendas of both the fiscally concerned policymakers and the civil rights advocates. Yet restoring Pell Grants to people who are incarcerated would require Congress to amend a part of the Violent Crime Control and Law Enforcement Act of 1994. Symbolically, it would require Congress to end, and in so doing, admit the mistake of, a piece of its previous tough on crime ideology.

Federal Government Seeks Proof of Efficacy

Although the Second Chance Act of 2007 did not directly reinstate Pell Grants for students who are incarcerated, it did set aside funding to gather more information on prison education programs and their efficacy. In general, the federal government was open to implementing rehabilitative programming in the education sector as long as the programs were evidence-based and healthy for the national budget. In 2010, the Bureau of Justice Assistance (BJA), a Bureau of the Department of Justice's Office of Justice Programs (OJP), called for research on correctional education programs. The BJA offered a grant to researchers who would examine the efficacy of different types of prison education¹⁷. The RAND Corporation, a non-profit research institution with a robust Safety and Justice Program, submitted a proposal and was granted funds to undertake this comprehensive examination. A group of RAND researchers then developed a meta-analysis from multiple studies done on correctional education, mainly regarding their findings on whether or not prison education reduced recidivism, improved the outcomes of post-release employment, and was cost-effective.

The RAND team found 58 studies to be included in their meta-analysis of US-based studies between the years of 1980 and 2011 (Davis et al. 2013). The focus of the study, again, sponsored by the Bureau of Justice Assistance, was recidivism rates, post-release employment, and cost-effectiveness. The report confirmed the efficacy of programs that provide education to incarcerated adults for three main findings: the

¹⁷ The BJA's definition of "efficacy" reflected the concerns and politics of the fiscal approach to prison education, which is outcome-based and functions under a bureaucratic and research-based timeline.

first was that “inmates who participated in correctional education programs had 43 percent lower odds of recidivating than inmates who did not” (Davis et al. 2013: xvi). The second was that “the odds of obtaining employment post release among inmates who participated in correctional education (either academic or vocational) were 13 percent higher than the odds for those who had not participated” (Davis et al. 2013: xvi). Finally, by comparing the direct costs of correctional education programming for an individual to the three-year re-incarceration costs of an individual, the RAND researchers confirmed, “providing correctional education is cost-effective compared with the cost of reincarceration” (Davis et al. 2013: xvii). In their follow-up report, the RAND research team expanded on this point: “for every dollar spent on correctional education, five dollars are saved on three-year reincarceration costs” (Davis et al. 2014: xx).

The work done by RAND would become a key resource in informing policymakers and other actors on the efficacy of prison-based education programs. In the Foreword of the RAND Meta-analysis, Denise O’Donnell, Director of the Office of Justice Programs, and Brenda Dann-Messier, Assistant Secretary of Vocational and Adult Education in the Department of Education, expressed the federal concern for a fiscally sound investment that has been proven to work:

...we have a responsibility to use taxpayer dollars judiciously to support programs that are backed by evidence of their effectiveness – especially during difficult budgetary times like these, Across the Administration, we are committed to investing in evidence-based programming, investigating promising practices, and making science a priority (Davis et al. 2013: iii).

Yet O'Donnell and Dann-Messier also commend the utility of the report: "The results provided here give us confidence that correctional education programs are a sound investment in helping released prisoners get back on their feet" (Davis et al. 2013: iv).

The RAND team, after confirming the established efficacy of correctional education has concluded that the investigation instead, should focus on where the gaps in knowledge on the topic lie, and where to find opportunities to move the field forward (Davis et al. 2014). Dr. Lois Davis, the lead researcher of the RAND Reports on correctional education, noted that there was a serious lack of rigorous research and data collection on the correctional education in practice; it would be impossible for policymakers to implement evidence-based prison education programming without evidence of how to actually do so. Davis suggested three major factors contributing to the lack of useful reports on prison education. The first was that reports rarely provided information on the program itself:

When we did the Rand study, the Department of Justice and the Department of Education said they wanted us to identify evidence-based and promising programs, and it was impossible, and this is the reason why: very few of those studies gave basic information about their program; in other words, what's the treatment – that is, such things as the structure of the curriculum, the teachers' training and certifications, what instructional methods were used, what the student-teacher ratio was, what kind of access did students have to textbooks, technology, mentoring programs, etc. (Davis 2016).

Without such information, it would be difficult to understand which elements of a prison education program were most important and effective within the education itself, and how to mirror or change such elements with new program implementation. The RAND team noted that future reports must identify which characteristics of a

prison education program show promise in order to help policymakers identify programs that will be successful.

The second issue Davis raised was a concern with the measures for outcomes that researchers have utilized: “recidivism, as you all know, is a terrible measure of outcomes for education,” she exclaimed, when presenting on her work at the 6th Annual Conference for Higher Education in Prison (2016). The RAND team called for the need to examine more “proximal” indicators of program efficacy, such as changes in motivation, literacy gains, developing skills needed by local employers, and attaining academic degrees and industry-recognized certificates (Davis et al. 2013). The RAND team also recommended measuring “program dosage” to answer the question of “how much” educational programming is necessary (Davis et al. 2013). In addition, they emphasized the need for stronger research designs to rule out the possibility of selection bias when establishing the causal relationship between correctional education participation and successful outcomes for people upon release (Davis et al. 2013).

Bias and subjectivity on the part of the researchers and reporters is the third problem Davis suggested for the lack of rigor in previous reports on prison education programs:

This is a field where it’s not enough, for example, to look at the peer reviewed literature, published literature, because many of the studies still...had been done for example by Departments of Corrections, by correctional education directors or educators –studies that were done in support of the legislation (Davis 2016).

Since prison education programs occur within a controlled facility with strict regulations and control of information, all data collection and reporting must be approved by the Department of Corrections. Under this structure of control, and with the censorship of information coming into and out of the prison, Departments of Corrections would be unlikely to allow investigations in their facilities, unless it would benefit them in some way.

What is more, prison education is a topic rarely investigated and rarely funded outside of a government agency, and thus governed by concerns with saving taxpayers' money. As a result, researchers like Davis and other advocates argue, policymakers' concern for recidivism rates dominate the conversation surrounding prison education. With the current exclusionary practices of people reentering society upon release, we might understand recidivism to be more of a reflection of the quality of a reentry support network and the severity of politically disenfranchising policies rather than the behavior of the individual. That being said, the research grants for projects such as the RAND reports are invested in outcomes under the fiscal approach to prison education. Up until this point, advocates of prison education had been stuck in proving its efficacy, instead of moving into research on the aspects and strategies of implementation. The RAND Reports, which compiled the most rigorous and robust reporting on the topic, would provide a basis for confirming such efficacy so that conversation and investigation could begin to move forward.

Advocating for postsecondary education, which is significantly more costly than literacy or GED programming, was already a challenge as policymakers were highly budget-conscious, especially coming out of the recession. However there was

another major barrier: policymakers were not interested in a policy that would in anyway take away resources from law-abiding individuals, nor create a privilege or affirmative action for people who are incarcerated. Section 6 of the Second Chance Act of 2007 makes clear, the intention is “to protect the public and promote law-abiding conduct by providing necessary services to offenders, while the offenders are incarcerated and after reentry into the community, in a manner that does not confer luxuries or privileges upon such offenders” [U.S. Congress 2008: Sec. 3a(6)].

Advocates of postsecondary education in prison had to confirm that no law-abiding student would be affected by the expansion of access to such programming to people who were incarcerated. With the Pell Grant Program, need-based assistance is provided to promote access to higher education; such assistance flows to the educational institution, since it is only used for academic purposes (Education from the Inside Out Coalition 2013). For the 2011-2012 academic year, the Obama Administration’s budget provided \$34.8 billion in Pell Grants to nearly 9 million students (Education from the Inside Out Coalition 2013). As the Education from the Inside Out Coalition confirmed,

Pell Grants are available to anyone who qualifies; thus, removing the barrier to eligibility for incarcerated persons does not diminish the opportunity of any other eligible student to receive aid. It simply ensures that all qualified low-income students who are motivated to pursue higher education have equal access to aid (2013).

This confirmation reflects a similar statement made by the NAACP in 2007. The NAACP’s “2007 Resolutions” assured:

Restoration of prisoner Pell Grant eligibility will not deprive a single qualified traditional student of funding, will not substantially affect students' grant awards nor cause an overall program cost increase, while allowing thousands of prisoner-students to return to the edifying experience of college classrooms (2007).

Again, Pell Grants received by people who are incarcerated, even at its highest rate of usage in 1994 before the repeal, represented only one tenth of one percent of total grant awards (Education from the Inside Out Coalition 2015). Taking away access to higher education through the barring of Pell Grants to people who are incarcerated was not, after all, a financial decision. It was a punitive act, under the notion that access to higher education was a privilege undeserved by incarcerated people. The Rand Reports, the Education from the Inside Out Coalition, and evidence from previous studies confirmed that the ripple effect of providing access to higher education extends beyond its rehabilitative purposes for the individual; it boosts, communities as well as local and state economies. The state of access to Pell Grants for people who are incarcerated, then, is more than simply a question of efficacy in the eyes of policymakers. It is a reflection of a national ideology in flux, with regards to how those in power perceive, and choose to allot opportunities to those who are at their mercy.

In 2014, the Bureau of Justice Assistance created a fund specifically for field-initiated project ideas related to criminal justice reform and reentry. Vera Institute of Justice, a nonprofit organization that facilitates research, technical assistance, and demonstration projects surrounding justice and safety, applied for a BJA grant. Since 2012, Vera had been leading a privately funded initiative called "Unlocking Potential: Pathways from Prison to Postsecondary Education (Pathways)" (Delaney et al. 2016).

The Pathways project provides “incentive funding and technical assistance” to the states of Michigan, New Jersey, and North Carolina, “to expand access to higher education for people in prison and those recently released” (Delaney et al. 2016: 10). The project involves 15 colleges and universities in partnership with 14 prisons, community supervision agencies, and local reentry organizations, and has enrolled more than 1,000 students since its launch (Delaney et al. 2016: 10). Vera proposed to the BJA a national technical assistance project to assist anyone who was trying to bring college into prison or support people who are leaving prison who are pursuing college. The proposal was accepted. Vera, as technical assistants and RAND, as the major source of research defending college in prison, would both become key actors in the establishment and implementation of the Second Chance Pell Pilot Program.

Obama’s Nation of Second Chances Provides a Platform for Pell Grants

The Obama Administration, through its push of “smart on crime” reform and improving the life outcomes of people who come into contact with the justice system, would lay the groundwork for the return of higher education to prison. President Obama, the first president to visit a Federal prison, granted clemency to 1,715 people during his presidency, more than any president in history (Horwitz 2017). He defended his commutations in the following manner: “I believe that at its heart, America is a nation of second chances, and I believe these folks deserve their second chance” (Liptak 2015). Such “second chance” rhetoric, that we see first in 2007 with the Second Chance Act, would be taken on by President Obama in pushing for further criminal justice reform during his administration. In a speech at the NAACP

Convention in 2015 he exclaimed, “While the people in our prisons have made some mistakes – and sometimes big mistakes – they are also Americans, and we have to make sure that as they do their time and pay back their debt to society that we are increasing the possibility that they can turn their lives around” (NAACP 2015). Such rhetoric would define the national ideology of criminal justice reform under this administration as one promoting reform, but still holding all people incarcerated responsible for their own wrongdoings, rather than admitting to an error on the part of the Federal government.

That is not to say that the Obama Administration was not essential in laying the groundwork for reform: the Federal Interagency Reentry Council, launched by Attorney General Eric Holder in January 2011, for example, recognized that Federal agencies have a major stake in the reentry of people who were incarcerated. The Council brought federal agencies from across the government to accomplish three goals: the first, to “make communities safer by reducing recidivism and victimization”; the second, to “help those returning from prison and jail become productive citizens”; and the third, to “save taxpayer dollars by lowering the direct and collateral costs of incarceration” (Federal Interagency Reentry Council 2016: vi). Central to the actions of the Reentry Council was expanding access to correctional education. President Obama later formed the “My Brother’s Keeper Taskforce” in 2014, to address and change persistent opportunity gaps faced by boys and young men of color. One of the six “milestones,” as the Taskforce referred to their goals, was “Keeping Kids on Track and Giving Them Second Chances” (My Brother’s Keeper 2014). Under this milestone, the taskforce promoted the notion that

“individuals who are confined should receive the education, training, and treatment they need for a second chance” (My Brother’s Keeper 2014).

On December 8, 2014, U.S. Secretary of Education Arne Duncan and U.S. Attorney General Eric Holder announced a plan, building on the recommendations of the “My Brother’s Keeper Taskforce,” to improve the quality of educational services for confined youth. U.S. Secretary of Education Duncan explained,

Students in juvenile justice facilities need a world-class education and rigorous coursework to help them successfully transition out of facilities and back into the classroom or the workforce becoming productive members of society. Young people should not fall off-track for life just because they come into contact with the justice system (U.S. Department of Education 2014).

President Obama set a goal that, by 2020, the United States would have the highest proportion of college graduates in the world; the Administration included people in correctional facilities in this vision, and would attempt a partnership between Departments of Education and Corrections to carry out this goal. (U.S. Department of Education 2014). Part of the Department of Education’s plan clarified that students incarcerated in juvenile justice facilities and local or county jails were indeed eligible for Federal Pell Grants¹⁸.

In line with President Obama’s platform to expand higher education and make college more affordable, the White House released a general plan to reduce regulatory barriers in the Department of Education: “The Department will use its authority to issue regulatory waivers for ‘experimental sites’ that promote high-quality, low-cost innovations in higher education” (The White House 2013). Without such barriers

¹⁸ People incarcerated at Federal and State correctional facilities, however, remained ineligible for Pell Grants.

that might prevent alternative approaches to teaching and learning in higher education, the federal government could test ways to implement more inclusive, permanent, and informed educational policy reform. Then, on December 6, 2013, the Department of Education released a “Notice Inviting Suggestions for New Experiments for the Experimental Sites Initiative,” designed to test innovative ways of administering federal student financial assistance programs under Title IV of the Higher Education Act of 1965 (Dann-Messier 2013). In the Notice, U.S. Secretary of Education Arne Duncan invited institutions of higher education and other parties to propose ideas for institutionally based experiments.

The Notice called for experiments that would test innovations that might increase the quality and reduce the costs of higher education, while maintaining the integrity of student financial assistance programs authorized by the Higher Education Act of 1965, particularly experiments that would “improve student persistence and academic success, result in shorter time to degree, and reduce student loan indebtedness” (Dann-Messier 2013: 2). The Notice called for the creation of “experimental sites,” intended to run postsecondary programs under expanded access to federal financial aid through a federal waiver, for students in pursuit of a higher education that might otherwise be out of reach (Dann-Messier 2013). Additionally, the notice explained that the Department of Education would “consider the outcomes of the experiments when proposing changes to the Title IV, HEA program regulations or, if appropriate, in legislative proposals to the Congress” (Dann-Messier 2013: 6).

In response to this Notice, a proposal was submitted with the principal suggestion that the Department of Education use its authority to experimentally

restore Pell Grants to students who are incarcerated¹⁹. The experiment would support postsecondary institutions providing higher education in prison under the conditionally restored access to Pell Grants for incarcerated people, and would serve as a trial for what permanent reinstatement would look like. Again, though it would be up to the discretion of Congress to fully reinstate Pell Grants to all people who are incarcerated, the Higher Education Act gave the President the authority to provide the basis for such, creating an experimental pilot program likely to run for three years and on a limited scale.

In the timeframe under which this experiment was proposed, Congress too faced questions regarding Pell Grant access in prison. In May of 2015, Representative Donna Edwards (D-MY) introduced a Bill to the House called the Restoring Education and Learning (REAL) Act of 2015. The REAL Act would “reinstate Federal Pell Grant eligibility for individuals incarcerated in Federal and State penal institutions, and for other purposes” (Congress 2015a). Representative Edwards noted that research has shown that reinstating Pell Grant eligibility for people incarcerated at State and Federal prisons would reduce future crime and save more in future costs of incarceration (Edwards 2016). What is more, she noted, this could be accomplished without reducing the eligibility of Pell recipients who are not incarcerated, and that funding for the Pell restoration program would cost less than one percent of total Pell program funding (Edwards 2016). “So we have a choice,” she declared, “reduce crime and save money, or suffer increased crime and spend more money. The REAL Act supports evidence-based methods to improve our

¹⁹ Although there is no evidence of the official proposal, an anonymous source suggested that the proposal was drafted by Vivian Nixon and her team.

criminal justice system that will reduce crime and save money” (Edwards 2016). The REAL Act was co-sponsored by 59 representatives, all of whom are from the Democratic Party (U.S. Congress 2017). A sister bill was introduced into the Senate by Senator Brian Schatz (D-HI) a year later.

In last-minute opposition to the Initiative, Representative Chris Collins, (R-NY), introduced the Kids Before Cons Act, “To prohibit the awarding of Federal Pell Grants to incarcerated individuals” on July 29, 2015 (Congress 2015b). This bill would amend student assistance of the Higher Education Act of 1965 to limit waiver authority of the Department of Education under the Experimental Sites Initiative, upon which Second Chance Pell relies. Once the Bill was referred to the House Committee on Education and the Workforce, Representative John Kline (R-MN), chairman of the committee, expressed frustrations about Pell Grants being distributed to people who are incarcerated without congressional support: “How we ensure the long-term sustainability of the Pell Grant program needs to be a national conversation ... Unfortunately, the administration has chosen once again to stifle an important debate by acting unilaterally and without regard for the law” (U.S. Congress 2015c). Such actions and words taken by members of Congress to stifle the proposal to the Department of Education’s Experimental Sites Initiative suggest not only a fear of providing people who are incarcerated access to quality postsecondary education, but a frustration with the Obama Administration doing so through an experimental, small-scale pilot program without congressional approval.

Five days after the introduction of the Kids Before Cons Act, U.S. Secretary of Education Arne Duncan and the Department of Education approved the proposal

for the Experimental Sites Initiative. It would be referred to as the Second Chance Pell Pilot Program, and the Vera Institute of Justice would provide technical assistance to the program participants nationwide. On August 3, 2015 the Department of Education released its official Notice in the Federal Register, encouraging universities both new to prison education and those with existing programs to apply. The invitation to postsecondary institutions to participate in the Experimental Sites Initiative describes the experiment as follows:

[T]his experiment will examine how waiving the restriction on providing Pell Grants to individuals incarcerated in Federal or State penal institutions influences participation²⁰ in education opportunities as well as academic and life outcomes. The experiment will also examine whether the waiver creates any challenges or obstacles to an institution's administration of title IV HEA programs (Studley 2015: 10).

In the Background section of the Notice, the Department of Education cited the RAND Report, noting the positive post-release outcomes of postsecondary education and training for incarcerated individuals, including increased educational attainment levels, reduced recidivism rates, and improved post-release employment opportunities and earnings (Studley 2015). "Given the statutory prohibition on incarcerated students accessing Federal student aid," the Notice explained, "roughly 1,574,700 persons in Federal or State penal institutions in 2013 were unable to be considered for higher education courses financed through the Pell Grant program" (Studley 2015: 5). The Notice Inviting Postsecondary Institutions to Apply provided some insight into the Experimental Sites Initiative's structure and its expectations of participating

²⁰ By "participation" the Department of Education means student participation (as confirmed through correspondence with Warren Farr, Federal Student Aid, U.S. Department of Education).

institutions. First, each postsecondary institution would partner with one of more Federal or State correctional facilities. Through this partnership, the institutions would recruit interested students, facilitate the enrollment process of federal financial aid for those students, and successfully implement their postsecondary academic program in the prison. Colleges and universities would receive Pell money for running their academic programs in local prisons, the same way they would for students receiving Pell Grants on their main campuses.

The structure of the Pilot, due to its focus on student outcomes and reentry, put certain limitations on eligibility of students and program offerings. For the sake of its outcome driven experimental structure, the federal waiver prioritized students who would be released within five years of their enrollment in the educational program. This qualification, logical in the experimental context, would lead to the recruitment of a more socially sympathetic cohort of applicants. Since time served on a prison sentence is more or less correlated with the severity of the felony, the program could cater to a population of people who are incarcerated but who might also be perceived as more deserving of that “second chance.” Under this structure, Second Chance Pell excludes the participation of certain postsecondary prison education programs that enroll students with longer sentences, or life without parole, which would not fit the experimental components of the program.

In addition, when distributing Pell Grants, the postsecondary institution would “only enroll students in postsecondary education and training programs that prepare them for high-demand occupations from which they are not legally barred from

entering²¹” (Studley 2015: 12). Since these institutions would be working with people who are likely to be released relatively soon, participating educational institutions would be expected to assist their students in completing their academic program if not completed before release, and support their students through the reentry process (Studley 2015). In general, the Notice presented a broad structure under which the experiment would run; additional restrictions and conditions would be imposed by the postsecondary institution and their partner correctional facility (Studley 2015). The Second Chance Pell Pilot Program would function at every stage under the government-sponsored fiscal approach to prison education. Though this approach certainly shifted under the Obama Administration to include a “second chance” ideology that promoted rehabilitative measures, the implicit aims of the program are still limited in scope, and do not enter into a civil rights-oriented model. Interested academic institutions had sixty days to submit a letter of application to participate (Studley 2015).

On June 24, 2016, U.S. Secretary of Education John B. King Jr. Posted to the official blog of the U.S. Department of Education:

Today, we’re announcing the selection of 67 postsecondary institutions²² to participate in the Second Chance Pell Program, which will evaluate the impact that Pell Grants have in helping incarcerated men and women pursue and attain a high-quality postsecondary education. In total, nearly 12,000 students at more than a hundred federal and state correctional institutions will access approximately

²¹ Certain policies restrict formerly incarcerated individuals from obtaining necessary licenses or certifications for some occupations.

²² Between July 2016 and February 2017, 2 sites (Raritan Valley Community College and CUNY LaGuardia Community College) were added to the list of Experimental Sites, while 2 sites (Auburn University and North Park University) dropped out of participation, bringing the total back to 67 (Experimental Sites Initiative 2017 and U.S. Department of Education 2015c).

\$30 million in Pell Grants, across 27 states in every region of the country (King 2016).

Within the Second Chance Pell structure, when colleges come into partnership with correctional institutions ripple effects not formally intended under the Experiment are likely to occur. John B. King Jr. continued, “Reducing recidivism will make our communities safer and save taxpayers’ money and the Second Chance Pell program is a step in the right direction, but it is not the entire solution” (King 2016). Vera Institute of Justice, the organization providing technical assistance under Second Chance Pell had a more overt agenda in mind:

The three years of the Second Chance Pell Pilot Program offer an unprecedented opportunity to overturn the ban on Pell Grant eligibility for students in prison. Securing the outcome depends on the successful implementation of the pilot program and the temporary suspension of the ban at a limited number of sites where the program is under way. With careful planning and well-informed administrative oversight, the Second Chance sites have an excellent chance of success (Delaney et al. 2016: 35).

As U.S. Secretary of education held, a larger ideological shift must follow: “We need to rethink our policies that determine student access and success in higher education” (King 2016).

Implementing Second Chance Pell and its Partnerships

At its core, the Second Chance Pell Pilot Program provides a platform for colleges and universities to either expand their current offerings, or to establish new programs, inside their partnering correctional facility. As a Federal experiment through the Department of Education, however, the already complex partnership that a school must navigate in order to run such a program becomes further complicated by the demands, documentation, and bureaucratic timeline of the Department, even when the Department's ideology is positioned in favor of correctional education. On one side, the Pilot provides a formal network of support for sites²³ to troubleshoot problems and connect with other sites throughout the process of their participation. The U.S. Department of Education also gives the essential funding to implement programming through its temporary waiver on Pell Grant access. Yet on the other hand, the program comes with parameters for participation, and is arguably more invested in the experiment for its outcomes and the discoveries therein rather than the programs and students themselves. As outlined in the Notice Inviting Postsecondary Educational Institutions to Participate Experiments under the Experimental Sites Initiative, the experiment intends to examine three major aspects of federally-funded postsecondary education in prison: first, how the waiver for individuals incarcerated in Federal or State penal institutions influences student participation in education opportunities, next, the academic and life outcomes of those individuals, and third, any challenges or obstacles to administering such a program along the way (Studley

²³ A "Site" in the language of the Second Chance Pell Pilot Program refers to the institution of higher education, not the correctional facility hosting the program.

2015). The Department of Education explained to sites interested in participating that it was also interested in the “unforeseen challenges” and “unexpected benefits” that Second Chance Pell Grant Pilot Program would bring (U.S. Department of Education 2015a: 11).

One of the main criteria for selection for the Pilot was that there be a variety of sites, diverse in the size and type of institution, region, and proposed program (U.S. Department of Education 2015a). With a diverse sample of participating sites, circumstances and issues with each program vary according to each site’s own institutional requirements, its institutional culture, the ideology and accommodations of the prison with which they partner, and general differences and inconsistencies across State Departments of Education and Departments of Corrections. Each program participating in Second Chance Pell did so with a varied set of interests, and becomes a point of contact for diverse interests of other parties connected to the program in some capacity. Each site, then, should be interpreted as unique in its existence, as well as in its position as a node in an expanding and strengthening network of prison education. Across the nation, however, what each site has in common is their commitment to participate in the Pilot.

In support of the implementation of the Second Chance Pell Pilot Program, the Department of Education hosted a series of webinars for interested participants. The first webinar was held on September 17th 2015, to connect potential Second Chance Pell participants of both new and existing college in prison programs. The webinar intended to answer questions of potential applicants concerning the experiment itself, requirements for participation, and any clarifications of the official

Invitation published in the Federal Register (U.S. Department of Education 2015a). In the webinar, members of the Department of Education made clear that the experiment itself was not fully formed – they did not specify a particular type or aspect of an educational program they would favor in the application process nor could they provide specific information about the data that would be collected (U.S. Department of Education 2015a). Because the Pilot would run through the facilitation of Pell Grants, participating schools had to already be providers of Federal Title IV Aid, which is the federal financial aid granted to students under Title IV of the Higher Education Act (U.S. Department of Education 2015a). Students receiving Pell Grants who are incarcerated would be channeled through the same processes in the institution’s financial aid office as any other student on their main campus. What is more, the requirements that already existed within any institution’s academic programs on their main campus, as well as the requirements of their partner correctional facility, their accrediting agency, and their State Departments, would apply to the Experimental Site’s program. The structure of the experiment during the time of this first webinar, as explained by Holly Langer-Evans, a program analyst for the Department of Education, was unplanned: “Specific elements of data collection, evaluations and outcome measurements will be determined as we continue collaborating with different stakeholders including you, the schools” (U.S. Department of Education 2015a: 4). Postsecondary institutions had until October 2, 2015 to submit a letter requesting consideration (U.S. Department of Education 2015a).

Application and Approval for Second Chance Pell

In the first round of the Second Chance Pell application process, the Department of Education reviewed the school's history of administering Federal Title IV Aid (U.S. Department of Education 2015a). The Department looked at audits, program reviews, and other areas of the administrative history of the schools in order to gauge their competency in facilitating Pell Grants to incarcerated students (U.S. Department of Education 2015a). Not only does a review of Federal Title IV Aid administration determine the practical eligibility of the school for the experiment, it may also indicate the extent to which a university is aligned with, and relies upon, the Department of Education's policies for support. Private colleges and universities that rely less upon Federal Title IV Aid, for example, might have more freedom from federal regulations in general. Related to this point, such private institutions, especially those with existing, independently funded prison education programs, might have different interests and play a different role in the experiment than a community college, for example.

In the second round of the application process, institutions were requested to provide thorough responses and documentation to a set of prompts, to be "used by the Department in selecting a diverse set of qualified institutions for participation in the experiment" (U.S. Department of Education 2015b). First, the application requested a program description, including the number and type of postsecondary education and/or training programs to be offered, length of the program, the mode(s) of instruction, such as classroom-based, correspondence, or distance, and any applicable

materials and technology provided or utilized (U.S. Department of Education 2015b). Regarding student admission and support services, the Department of Education asked schools to outline how they will determine students' readiness and eligibility for postsecondary coursework, and if they plan to provide any remedial or supplementary instructional services (U.S. Department of Education 2015b). Institutions explained their plans for how potential students would fill out the Free Application for Federal Student Aid (FAFSA), such as if students would complete it online or in paper form, as well as any guidance or counseling by the postsecondary institution or the prison to assist with the process and throughout the program (U.S. Department of Education 2015b).

The Department was also interested in the school's plan for supporting the reentry of their students and bridges that enable their students to continue or complete their coursework upon release (U.S. Department of Education 2015b). The application asked for a list of any possible community-based organizations that might work in collaboration with the institution to offer support services to potential students (U.S. Department of Education 2015b). Such collaboration would likely strengthen the overall reentry network in the region, a potential ulterior outcome of Second Chance Pell. If the institution applying for participation already offered postsecondary education in prison, the institution was asked to explain how they would use Pell Grant funds to "supplement, not supplant" existing investments in their current prison-based postsecondary education initiatives (U.S. Department of Education 2015b).

In addition to providing information on the school's college-in-prison program, the Department of Education prompted each institution to provide information about the penal institution with whom they would be partnering. Schools were asked to provide an assurance, such as a joint letter, contract, or memorandum of understanding, indicating that the relevant correctional authority had agreed to enter into a partnership under the experiment (U.S. Department of Education 2015b). Specifically, the postsecondary institution had to specify the name and title of the highest correctional agency official with whom the institution had reached agreement (U.S. Department of Education 2015b).

Throughout, the application for participation in the Second Chance Pell Grant Pilot Program raised questions concerning strains and compromises placed on both the college and the correctional facility under the program. For example, the application asked the postsecondary institutions to indicate any differences in the credentials of faculty teaching incarcerated students under the experiment, versus those of faculty teaching their non-incarcerated students in comparable programs (U.S. Department of Education 2015b). Since many participating sites are on tight budgets, and must operate in the most cost-effective manner, some sites might devalue their prison classrooms and expect to fill them with non-tenured or retired faculty, or other less-qualified teachers. The application also requested information on any university policies that might limit participation of otherwise Pell Grant eligible students, such as class size limitations or entrance examinations (U.S. Department of Education 2015b). These questions speak to the extent to which a site would be committed and able to provide the same quality of education to students who are

incarcerated as the students on their main campuses. On the other side of the partnership, the Department of Education posed questions regarding additional necessary security, staffing, facility space, budget changes, and other accommodations that the penal correctional facility would have to make to enable the program to run (U.S. Department of Education 2015b). In so doing, the application forced institutions on both sides of these Second Chance Pell partnerships to have such conversations before even completing the application process, and provided the criteria to determine the extent to which sites were capable and prepared for implementation.

The Second Chance Pell application for participating sites foreshadows three major themes that each experimental site would have to grapple with upon selection: the first is the notion of how to actually implement such a program from the administrative side of the postsecondary institution. Since people who are incarcerated have not had access to Pell Grants for over twenty years, the postsecondary institution would have to work with the Department of Education, their state, and their own financial aid administration and the administration at their partnering penal institution to find students who are a good fit for the program, who are Pell Grant eligible, and who are able to successfully fill out a FAFSA and have it approved. As a federally funded initiative, navigating the bureaucracy of multiple levels of financial aid administration would be the first major obstacle to implementing each experimental site. Recall that because people who are incarcerated are disproportionately low-income, and since funding for existing programs is rarely

robust, the financial aspect of the Second Chance Pell Grant takes on a central role in implementation.

The second major theme focuses on the partnership between the college and the correctional facility. Although the application does not require the correctional facility to send or report anything directly to the Department of Education, each school's application must include extensive information on this partnership, on a policy level as well as on the ground, documenting the extent to which the penal institution would be willing be able to accommodate such a program. Since the strength of the partnership between the school and the correctional facility is a strong indicator of successful implementation, the prompts in the application spur important discussions that would ideally strengthen communication within the partnership. That is to say, the more time spent communicating with the correctional facility, the more in-depth a school's application to become an Experimental Site would be.

Finally, application process presented a focus on reentry resources and the availability of support networks for students, upon release as well as during incarceration. Since the program itself is geared toward students who will be eligible for release within five years, the Department of Education is interested in how each site would facilitate increased reentry support through both the university and its local support network, serving as bridge for both educational and other means of support. By encouraging sites to participate in their students' reentry process, the sites would not only improve those students' chances for successful reentry, but sites would also provide an outlet for data regarding outcomes of program's alumni.

For the sites selected for participation in Second Chance Pell, the summer of 2016 was a crucial period for program planning and implementation. The Department of Education and the Vera Institute of Justice, providing technical assistance to sites under the program, utilized the summer to connect both new and existing sites with each other, in order to troubleshoot obstacles faced by different programs. To kick-start the summer, Vera hosted a Second Chance Pell Convening in Washington, D.C. on July 19th, where representatives from all selected sites were invited to meet and familiarize themselves with other sites in their region, and receive guidance and motivation by key political actors in the Second Chance Pell Pilot Program. Following Vera's Second Chance Pell Convening, the Department of Education hosted two more informational webinars, on July 28, and later on August 17, administrators of Second Chance Pell sites. The webinar series presented a platform for more specific information to be released concerning technical elements of implementation. A major frustration expressed in these webinars had to do with the slow timeline on the part of the Department of Education towards sites that were eager to begin in the Fall 2016 Semester. For example, at the time of the webinar on July 28th, the Department of Education had still not sent out the majority of Amended Program Participation Agreements to sites, which was needed before the sites could begin implementation (U.S. Department of Education 2016a).

Additionally, before a Second Chance Pell site could get up and running, the school had to report their partnering correctional facility as a formal additional location of their institution. Additional locations must be accredited by the institution's state and/or accrediting agency. In most cases the institution would not

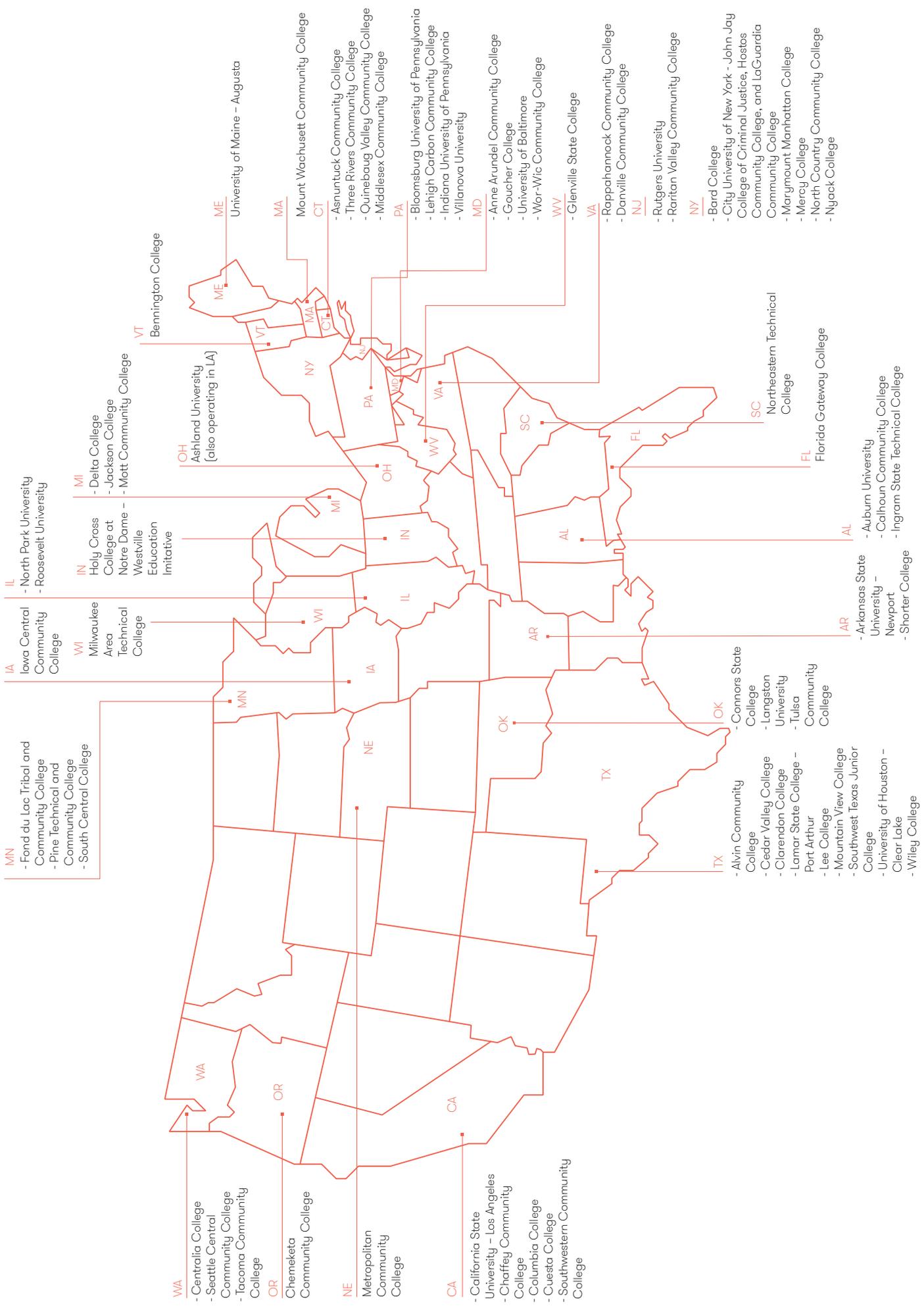
have to wait for approval, but in some instances--for example, if the institution were provisionally certified or if the Department had otherwise required the school to gain approval for additional locations--the school would have to wait for approval from that agency before it could offer Title IV aid at that location. The timeline for such an approval process can vary greatly depending on the accreditor. In general, the Second Chance Pell Pilot Program required sides to balance State, Federal, and institutional bureaucracies before even touching ground inside the correctional setting.

Snapshot of Selected Sites

Of an applicant pool of over 200 colleges and universities, 67 sites (mapped geographically on the following page²⁴) are participating in the Second Chance Pell Pilot Program (Vera Institute of Justice 2017b). The sites include 55 public two-year and four-year universities, and 12 private ones (U.S. Department of Education 2015c). In total, 43 existing sites were taken on, in addition to 24 new sites (U.S. Department of Education 2015c). Many selected programs, in addition to partnering with multiple correctional facilities, offer multiple credentials: in total, 33 sites offer certificate programs, 45 offer Associate's Degree programs, and 16 offer Bachelor's degree programs²⁵. Moreover, if all programs were to run according to plan and at capacity, Second Chance Pell would reach almost 12,000 students in over 120 prisons

²⁴ On the map of Second Chance Pell sites, North Park University (IL) and Auburn University (AL) dropped out of participation; the 3 CUNY schools are considered 3 individual sites, bringing the aggregate to 67. This map was published by Vera Institute of Justice (2016c).

²⁵ It is difficult at this point to determine exact numbers of participants because not all programs began in the Fall 2016 Semester and no specific data regarding site progress have been released. Likewise, it is too early in the experiment to determine the number of students that will acquire which credentials, and other more specific aggregates concerning program trends.



- MN
- Fond du Lac Tribal and Community College
- Pine Technical and Community College
- South Central College

- IA
- Iowa Central Community College

- WI
- Milwaukee Area Technical College

- IL
- North Park University
- Roosevelt University

- IN
- Holy Cross College at Notre Dame - Westville Education Initiative

- MI
- Delta College
- Jackson College

- WA
- Centralia College
- Seattle Central Community College
- Tacoma Community College

- OR
- Chemeketa Community College

- NE
- Metropolitan Community College

- CA
- California State University - Los Angeles
- Chaffey Community College
- Columbia College
- Cuesta College
- Southwestern Community College

- VT
- Bennington College

- ME
- University of Maine - Augusta

- MA
- Mount Wachusett Community College

- CT
- Assunck Community College
- Three Rivers Community College
- Quinebaug Valley Community College
- Middlesex Community College

- PA
- Bloomsburg University of Pennsylvania
- Lehigh Carbon Community College
- Indiana University of Pennsylvania
- Villanova University

- MD
- Anne Arundel Community College
- Goucher College
- University of Baltimore
- Wor-Wic Community College

- WV
- Glenville State College

- VA
- Rappahannock Community College
- Danville Community College

- NJ
- Rutgers University
- Raritan Valley Community College

- NY
- Bard College
- City University of New York - John Jay College of Criminal Justice, Hostos Community College, and LaGuardia Community College
- Marymount Manhattan College
- Mercy College
- North Country Community College
- Nyack College

- OH
- Ashland University (also operating in LA)

- NY

- PA

- OH

- MI

- IN

- VA

- SC

- FL

- FL
- Florida Gateway College

- AL

- AR
- Arkansas State University - Newport
- Shorter College

- TX
- Alvin Community College
- Cedar Valley College
- Clarendon College
- Lamar State College - Port Arthur
- Lee College
- Mountain View College
- Southwest Texas Junior College
- University of Houston - Clear Lake
- Wiley College

- OK
- Oklahoma State University - Tulsa
- Oklahoma State University - Stillwater

in 28 states across the country (U.S. Department of Education 2015c). Less than 15% of these participating correctional facilities are facilities for women. This figure in part reflects general gender trends in incarceration, but more importantly, the lack of attention and resources given to women's prisons in comparison to their male counterparts. Such a gender disparity in some states might point to the question of *who* is viewed as *deserving* and *in need* of postsecondary education while incarcerated.

As previously mentioned, part of this specific Experimental Sites Initiative is to collect information from a variety of sites with different programs. As a result, the 67 sites selected embody a range of motivations and ideologies. The three largest sites participating in Second Chance Pell are all existing programs that serve over a thousand incarcerated students each: Ashland University, Jackson College, and Lee College (U.S. Department of Education 2015c). Ashland University is a private institution in Ohio, granting Certificate, Associates, and Bachelor's level²⁶ programs, while Jackson College in Michigan and Lee College in Texas are both public institutions granting Certificate and Associate's Degree programs (U.S. Department of Education 2015c).

Some of the programs under the Initiative who are new to providing postsecondary education to people who are incarcerated partner with existing programs for support. One interesting case of this is Roosevelt University in Illinois, a private four-year institution intending to implement one program, The Bachelor of Arts in Organizational Leadership, to 70 students in one correctional facility (Vera

²⁶ Ashland University's Bachelor-level courses are offered only through a secure Android platform (Vera Institute of Justice 2016a: 24).

Institute of Justice 2016a). According to the Vera Institute of Justice, “The program provides a multi-disciplinary approach to leadership issues, combining management science, humanities, social sciences, research science, communication arts, technology, and ethics” (2016a: 12). Courses for this bachelor’s program are to be offered on site at the correctional center and online for formerly incarcerated students, to ensure full access for students to continue their studies upon release (Vera Institute of Justice 2016a). Roosevelt University has graduated more than 500 formerly incarcerated students, and reports a 6% recidivism rate of those students²⁷ (Vera Institute of Justice 2016a). The program is to run in partnership with Lake Land College, which has an existing prison education program that reaches 7,000 students in 17 facilities (Vera Institute of Justice 2016a). Since Roosevelt University will only provide a Bachelor’s program, incarcerated students may matriculate into Lake Land College for remedial and general education coursework, and then continue on to Roosevelt University (Vera Institute of Justice 2016a: 12).

A different approach to the partnership between a new and existing prison education program is taken on by Middlesex Community College in Connecticut, a new program to offer an Associate’s degree in General Studies for 50 students across two facilities (U.S. Department of Education 2015c). In partnership with Wesleyan University, students take courses by Wesleyan and Middlesex professors in order to gain credits to count towards the Middlesex Associates degree (Vera Institute of Justice 2016a). Since Wesleyan University’s prison education program is not degree granting, this gives students who have been taking Wesleyan University courses

²⁷ The state recidivism rate of Illinois is 31 percent (Vera Institute of Justice 2016a: 12)

during their incarceration the opportunity to transfer those credits toward a Middlesex Community College Associate's Degree.

As shown through these brief descriptions of some of the selected sites, each program is distinct in their offerings, limitations, as well as the ideologies of their programs and host institutions. For many community colleges, expanding their campus to their local prison results in an increase in Pell funding for the school. Some community colleges might enter into Second Chance Pell under a purely fiscal approach, and may not even be interested in the data being collected by the Department of Education. Others might be motivated by civil rights concerns, or a commitment to access to “free scholarly inquiry,” as is the case with California State University – Los Angeles (Vera Institute of Justice 2016a: 6).

Two programs with notable ideological points of entrance into Second Chance Pell are Shorter College and Fond du Lac Tribal & Community College. Shorter College is a private faith-based liberal arts and educational ministry of the African Methodist Episcopal Church, and is one of the nation's 104 Historically Black Colleges and Universities (Vera Institute of Justice 2016a: 6). In Minnesota, Fond du Lac Tribal & Community College, the only tribal college that is also part of a large state system, is continuing their existing Associates Degree program under Second Chance Pell. Fond du Lac offers three programs, one of which is in American Indian Studies (Vera Institute of Justice 2016a: 18). If we think back to the histories of how both African American and Native American groups were harmed and displaced by

the University, sites such as Shorter College²⁸ and Fond du Lac Tribal & Community College²⁹ play a different sociological role in prison education versus a university with a colonial foundation. No matter the background or ideology of each of the 67 Second Chance Pell sites, however, each institution would encounter issues they would have to overcome through implementing and facilitating their programs under Second Chance Pell, simply because it is run through the Federal Department of Education.

Financial Aid Poses a Barrier to Getting off the Ground

A major test case for realizing the structural incompatibility of the Department of Education and the Department of Corrections comes through in questions of student eligibility for the program. To be eligible for Second Chance Pell, students must be eligible for parole, and be “likely to be released within five years of enrollment in the educational program,” however they must also be eligible for Pell Grants (Studley 2015: 4). The federal waiver³⁰ utilized for the Second Chance Pell Grant waives two distinct Sections of federal student aid policy that would otherwise bar incarcerated students from access. This waiver does not, however, extend to students who were convicted of drug possession or sale while previously receiving

²⁸ According to the college’s website, the founding of “Shorter College was a logical and pragmatic response to the need of recently freed slaves to overcome the many disadvantages and deprivations of slavery and racial discrimination” (Shorter College 2014).

²⁹ According to the college’s website, the college was formed after the Minnesota Legislature in 1987 in an effort to serve the Fond du Lac Reservation (Fond du Lac Tribal & Community College 2017).

³⁰ The waiver for Second Chance Pell waived the following two sections: Section 401(b)(6) of the Higher Education Act, and section 34 668.32(c)(2)(ii) of the Code of Federal Regulations, which both provide that students who are incarcerated in a Federal or State penal institution are not eligible to receive Federal Pell Grant funds.

Title IV aid, nor does it waive students convicted of sexual offenses. Recall that although it is logical for an outcome-based experiment to focus on soon to be released students, such a requirement excludes those with longer sentences, and, likely more severe offenses. Sex offenders are generally viewed as a threat to society and often barred from educational spaces outside of the prison. Additionally, those convicted of a drug related felony while previously receiving student aid could be interpreted to have disrespected, or thrown away, their opportunity for higher education the first time around, and would therefore be seen as *undeserving* of aid. Such parameters and exclusions enable the Department of Education to be selective in doling out these “second chances” even as the admissions process is institutionally based.

As previously mentioned, a Pell Grant is a unique form of financial aid that does not need to be paid back. The maximum Pell Grant award for the first year of Second Chance Pell, the 2016-2017 school year is \$5,815 (Baker 2016). To be Pell-eligible, a student must demonstrate financial need, which as explained below, can become increasingly difficult for someone who is incarcerated. Need is documented by filling out the Free Application for Federal Student Aid (FAFSA), which became the major barrier for most sites attempting to register their incarcerated students for Pell Grants in the fall semester. Among those students who were filing FAFSAs from prison for the first semester of Second Chance Pell, 73% were selected for verification (Vera Institute of Justice 2017b). In other words, something in their FAFSA applications flagged these students for an intensive background check that requires proof of identity, where more information would have to be provided. Notably, 11% of students who started the FAFSA process were not able to complete

the FAFSA even before reaching the verification stage (Vera Institute of Justice 2017b). Of the common barriers sites reported to filing FAFSAs, 19% reported defaulted loans, and 18% reported failure to register for selective service. Other common barriers included incomplete information regarding spousal or parental income, social security number, wages, given name, and student independence (Vera Institute of Justice 2017b). Less common barriers, but still reported, included citizenship verification and high school verification (Vera Institute of Justice 2017b).

Since sites need students for their programs to run, administrators from each school had to devote extensive time to resolve the major barriers to FAFSA completion. With such a high probability of incarcerated students being selected for identity verification, some sites proactively filled out the verification form for all of their students. This was mainly to avoid extra visits to the correctional facility. Resolving a student's previous defaulted loans, though, can take around nine months³¹ (Vera Institute of Justice 2017b). An additional problem has been that many individuals identified as male who were incarcerated between the ages of 18 and 25 failed to register for selective service, which is a federal law, and a requirement for the FAFSA. If a student never applied for selective service, they are able to appeal, giving the reason they failed to register on time, and apply even if they are older than 25 years old. Though this process may take time for verification, such an instance does not necessarily disqualify a student from program participation (Vera Institute of Justice 2017b). It does, however, create a headache for an overburdened financial aid

³¹ It is possible, even if someone is incarcerated, to begin an income-based repayment plan that would get that student's loan out of defaulted status and back in good standing, or defer the loans to make them eligible for their Pell Grant. Even if students with defaulted loans would not be able to participate in the first cohort of Second Chance Pell students, they would likely be ready to enter the program the following academic year.

office or administrators at the facility, and might work against their chances of program participation at the discretion of the school (Vera Institute of Justice 2017b). As we will continue to see below, those who tend to struggle with filling out a FAFSA are those who, in some way or another, have a situation that deviates from values of the State. A criminal conviction and non-conscription to the military force present two of those factors.

Many financial aid offices ran into issues where students were unable to provide documentation such as proof of citizenship, their social security number, or their legal full name, sometimes because their contact with family members had been stunted through their incarceration. For students who are separated from their spouses, though not legally, obtaining notarized documents confirming the separation proved difficult (Vera Institute of Justice 2017b). As with all aspects of the Program, the extent to which such issues become a barrier from implementation varied by state as well as by the sites own requirements for financial aid administration. Overall, determining how to handle gaps in a student's FAFSA is up to the discretion of that institution's financial aid director (Vera Institute of Justice 2017b). In a webinar hosted by Vera in February 2017, specifically focused on student recruitment and filing for financial aid, Margaret McGrail, Vice President for Enrollment Services at Mercy College clarified that discretion exists within the office of financial aid of each college. She noted that financial aid offices "can create specific policies for cohorts of students that track very similarly... It is possible to have something a little bit different in your Policies and Procedures Manual for the ESI Second Chance Pell Program versus your general population" (Vera Institute of Justice 2017b: 1:13:00).

Another structural barrier that shows the ideological differences between the Department of Corrections and the Department of Education has to do with confidentiality when administering financial aid. Under the Family Educational Rights and Privacy Act (FERPA), a student who is 18 years of age or older has the right to have access to their education records and the right to control the disclosure of personally identifiable information from the records (U.S. Department of Education 2011). Such confidentiality rights granted by the U.S. Department of Education, however, are challenging to uphold in a correctional facility. When a student who is incarcerated must fill out a FAFSA, for example in order to participate in the Second Chance Pell Pilot Program, but they must do so in a setting that rarely allows for privacy³². Confidentiality in administration of financial aid to incarcerated students became an issue for two structural reasons: first, the lack of Internet access to people who are incarcerated, and second, the monitoring of communication between people who are incarcerated and those on the outside.

Ironically, the first academic year of Second Chance Pell was also the first year that the Department of Education went completely paperless in their administration of the FAFSA. With no access to Internet for incarcerated students, sites had two options for FAFSA administration: the first was to have students orally report personal information to a staff member, who would then type it into the student's online FAFSA form. With a lack of Internet resources inside the facilities, however, most sites had to print out PDFs of the FAFSA, have the students fill them

³² In a prison setting especially, a person who is incarcerated might not want correctional staff who are assisting with their financial aid enrollment process to have access to information enclosed in a FAFSA, as there would be no guarantee of confidentiality, and such information could impact their treatment in the facility.

out in the facility, and then have staff from the college's financial aid office transcribe the information into a computer-based FAFSA for each student back on the main campus. Having the staff from a school's financial aid office both train prison staff on the FAFSA and transcribe written FAFSAs onto an online platform becomes a burden on these offices. Andre Bethea, a Policy Advisor for the Bureau of Justice Assistance, suggested that in order to maintain confidentiality, sites should "identify and prepare the staff who will actually be transmitting the information from the students... they need adequate training on the sensitivity of the information" (U.S. Department of Education 2016b: 16). Bethea suggested that that the best way to ensure confidentiality was to ensure that there was an "authority figure" overseeing the interaction between the staff member of the prison or perhaps the financial aid administrator, and the student. Such information, however, can easily be breeched in a prison setting that does not recognize the privacy rights of their "inmates" to the extent to which the Department of Education protects the privacy of their "students."

General communication between financial aid offices and students who are incarcerated also becomes a challenge when all communication between outside and inside the facility is monitored. For example, the Department of Education and universities administering federal financial aid would normally communicate with the student through email communication or an online portal, in order to alert students of eligibility and provide students with official documentation, such as student aid reports and award letters (U.S. Department of Education 2016b). Though the majority of financial aid offices have moved to tech-based communication, participating schools under this experiment must understand the limitation of technology for their

demographics. The Department of Education suggested that financial aid offices provide the student's mailing address as their current facility to ensure that students receive all the documents relating to their eligibility (U.S. Department of Education 2016b). However, some administrators shared concerns with how this might violate FERPA (U.S. Department of Education 2016b). If the Department of Education and the postsecondary institution are sending documentation regarding a students' financial aid eligibility, their grades, and other documents through the mail, they would do so under the assumption the correctional facility is going to monitor this mail and probably look at its contents. Some schools suggest receiving all student mail at their main campus office, to then bring to the facility, which ensures that documents are not lost in the mail distribution process at the penal institution (Vera Institute of Justice 2017b). Even this suggestion, however, does not quite avoid confidentiality issues, as correctional officers check all materials entering the prison space, including educational ones.

As seen through the general, state-specific, and even site-specific obstacles that financial aid administration carried for each program during the first semester, it becomes clear that the structural elements of the Department of Education and the Departments of Corrections are not intended to serve the same population. Despite creativity, competency, and commitment, administration of this waiver for the Pell Grant took a serious toll on the first semester of the Second Chance Pell Pilot Program. Of the 67 total schools, only 29 were able to begin in the Fall 2016 Semester (Vera Institute of Justice 2017b). Of those 29 schools, 21 were existing programs that did not have to rely on a speedy administration of federal aid to

continue their programs (Vera Institute of Justice 2017b). To clarify, these programs could continue to run using their previous sources of funding while facilitating the FAFSA to their students who were eligible for the Second Chance Pell Pilot Program³³. Only eight schools in this first semester, (of the total 24 new schools) were new to partnering with a correctional institution and facilitating postsecondary education in prison (Vera Institute of Justice 2017b). By the end of the Fall 2016 Semester, Second Chance Pell was up and running in 85 prisons³⁴ across 16 states, and 4,098 FAFSAs had been completed, and 1,997 Pell Grants (\$3.3 million) had been awarded (Vera Institute of Justice 2017b).

Although these figures seem impressive for an experiment of this nature, recall that the program is intended to reach 12,000 students annually and allot \$30 million in Pell Grants (King 2016). At the end of the fall semester, sites that were up and running were overwhelmingly doing so without having completed the necessary FAFSAs, and without knowledge of how much Pell Grant funding they would receive. In the Spring 2017 Semester, 33 more have begun, with four more to begin this summer, and one still undeclared (Vera Institute of Justice 2017b).

Navigating the College-Corrections Partnership

³³ In existing sites, all students might not be eligible for Second Chance Pell. These sites would use the Pell funding they receive from their eligible students to supplement existing funds or expand their offerings.

³⁴ Recall that many Second Chance Pell colleges run in more than one correctional facility, and several correctional facilities have partnered with more than one college.

One of the new sites that successfully began in the Fall 2016 semester is the Florida Gateway College Program, the only Second Chance Pell Site in its state. Instead of limiting their student recruitment to one or two facilities, the program selected sixty-five students from across the state of Florida, and relocated them to the same unit of Columbia Correctional Institution Annex, where they would live together, eat together, and pursue an Associate's Degree together as a cohort (Vera Institute of Justice 2017b). According to Kristina J. Hartman, Chief of Programs Division of Development, Improvement, and Readiness for the Florida Department of Corrections, a week after the Second Chance Pell Summer Convening took place the participating college and corrections staff came together for a six-hour meeting in order to anticipate the challenges they had ahead of them (Vera Institute of Justice 2017b). It was clear that both parties had a substantial amount to learn from each other if they were to realize the shared goal of their partnership. Among those at this preliminary meeting from the postsecondary institution were the Financial Aid Director, the Vice President and Director of Enrollment Management and Life Long Learning, the Vice President and Dean of Academic Programs, the Executive Director/CIO of the College, and the Registrar (Vera Institute of Justice 2017b). From the Corrections side, participants included the Central Office Chief of Programs, the Warden, Assistant Warden, Classification Supervisor, Education Supervisor, Chief of Security, and the Information Technology Supervisor (Vera Institute of Justice 2017b). The success of Florida Gateway College's robust program becomes an example of the communication necessary within the college-corrections partnership.

Vera Institute of Justice holds, “Due to the complex nature of operating college programs in prison settings, the success of the Second Chance Pell programs and the students they serve depends on the quality of the partnerships between colleges and corrections agencies” (Delaney et al. 2016: 6). Although the Initiative is largely run between the Department of Education and the colleges, the correctional facilities hosting the programming play a central role in determining the nature and fate of the Second Chance Pell Experimental Sites. Departments of corrections and individual correctional facilities also vary tremendously. They range in their security level, in their culture and staff training, in their politics, their budget, geography, capacity, and how they view the Second Chance Pell Program. To build a partnership with their correctional facility, then, the Department of Education suggested that each site itemize each role in the administration of the program in a contract or formal memorandum of understanding (MOU) (U.S. Department of Education 2016b). In effect, the MOU functions as a message to work together and develop policies and procedures, and clearly articulates each partner’s role. It should serve as a tool for partners to ensure smooth programming and operations, and partners should periodically revisit it and make appropriate changes as the program evolves (U.S. Department of Education 2016b). Vera Institute of Justice elaborates, “Unless would-be partners agree on common goals and expectations, they are more likely to view each other as adversaries than collaborators in the development process. This increases the chance of challenges arising during implementation (Delaney et al. 2016: 13). In addition to getting acquainted with the obstacles and limitations the members of the partnership anticipate, creating an MOU encourages both parties to

become familiar with how the other operates, their communication preferences, their leadership style, broadly, what they bring to the partnership.

Before a Second Chance Pell program could begin, and before financial aid staff from the colleges could work with individuals who are incarcerated to assist with the FAFSA, for example, members of the partnership had to go through an extensive training and orientation. Correction facilities typically have mandatory training for volunteers and contractors. Although each correctional facility hosts a slightly different orientation, a Corrections Orientation for Instructors is likely to cover:

- Procedures for entering facilities, including securing proper identification and communicating with appropriate program or corrections staff about arrival dates and times;
- Rules about restricted items and procedures for getting course materials and other outside resources approved;
- Rules for interacting with students;
- Rules about access to technology and other resources; and
- Procedures to follow when requesting help or support from corrections staff (Delaney et al. 2016).

The Department of Education recommended that sites also train corrections staff on the goals and operations of the college program, and familiarize them with forms that the students would need assistance completing (U.S. Department of Education 2016b). Such training provides the opportunity to build support for the program among facility personnel, which is essential to the program. Vera Institute of Justice has worked with sites through this first phase of the partnership, and in response to issues communicating with corrections staff during the first semester, has provided an official fact sheet geared for Corrections Leaders. This fact sheet includes a “Why it

matters” section emphasizing lowered anticipated recidivism, but also within the facility, “fewer violent incidents, creating safer working conditions for staff and safer living environments for incarcerated people” (Vera Institute of Justice 2017a). In general, this fact sheet serves as an official document that is both compelling and encouraging for Correctional Leaders. The sheet shows, again, how Second Chance Pell must navigate the varied and sometimes conflicting interests and ideologies of participants in order to realize their more civil rights-oriented approach to reinstating Pell Grants to incarcerated students everywhere.

Institutional differences within the college-corrections partnership are likely to arise during MOU development, trainings, orientation, and implementation, however it is up to the college to work within the limitations of the correctional facility, who, can shut the program down at any time it sees fit. Differences might arise through something as simple as language used for talking about their Second Chance Pell program. For example, correctional staff and Departments of Corrections are likely to refer to the incarcerated individuals as “inmates,” often not using their first name, whereas colleges might prefer “students” or “incarcerated individuals,” and addressing the students in the way they would any student on their main campus. Likewise, those without previous exposure to the prison setting might not know that the term “correctional officer” is preferred to “guard,” which can be interpreted as derogatory and disrespectful. Correctional facility rules as technical as the dress code, might cause tension between the two parties and even prevent someone from the college from entering the facility. Institutionally, colleges must figure out how to deal

with situations where their Codes of Conduct and Title IX³⁵ policies do not align with behavior within the facility. Though sites must cater to the expectations of their corrections partners, such conflicts again raise the question of accountability concerning the different standards to which schools and prisons are held in treatment of their populations.

One specific point of contention that sites face within their partnership is that the Second Chance Pell Pilot Program provides the privilege of postsecondary education to students in a space where, often, correctional officers themselves have not reached such a level of education. Ruth Delaney, one of Vera's technical assistants for the program, spells out:

COs are going to be a little bit hostile to this because sometimes they feel that people in prison are getting something that they themselves don't have access to, or their families don't have access to, or it's out of reach because it's too expensive, and so they feel that it is undeserved by the people who are incarcerated because they have theoretically done something quite bad to end up incarcerated (Delaney 2017).

As both the Department of Education and Vera Institute of Justice continuously suggest, the success of a program depends on more than just a coexistence of the college and the correctional facility. Corrections staff need to be on board and help facilitate each Second Chance Pell program. Vera Institute of Justice elaborates,

Front-line custody and control staff have significant influence on the day-to-day operation of a college program in prison, and therefore its long-term success. It is the corrections officers who escort instructors and students to and from classes, make determinations about materials and resources that can or cannot be brought into a facility, and may be

³⁵ Title IX refers to regulations of anti-discrimination and student conduct policies for institutions of higher education receiving federal funding.

assigned to cover classrooms. Housing-unit staff also play an important role in, as they spend time with students when they are not in class and make decisions about whether students have a quiet space to study or access to educational resources outside the classroom (Delaney et al. 2016: 14).

Certain schools have tried different strategies to work towards gaining the support of Correctional Officers, such as providing DOC Staff with scholarships to take courses on the university's main campus, or providing a scholarship fund for someone in a DOC Staff Member's family to pursue higher education³⁶. In general, there is an expectation under this partnership that a school entering the correctional facility will do so without undermining the authority and control of the Department of Corrections and its staff. Second Chance Pell sites must understand that the prison will not compromise its systems of control and safety to accommodate a program.

School administrators as well as faculty must then tailor their classrooms inside the prison space to fit structural concerns that would not arise on their main campus. The Department of Education is interested in the extent to which a Second Chance Pell classroom might mirror a classroom on the college's main campus as closely as possible. However, major structural differences embedded in the contrasting ideologies of the prison campus and the main campus are inevitable, and require differentiated approaches. A first structural difference is the ability of students and professors to manage their own time and movement throughout the campus. On the main campus, a student or professor might arrive late, or hold the class over-time,

³⁶ Delaney adds, "The actual environment and the hierarchy structures and the power relationships that are involved with running a prison makes it very hard for corrections officers to put themselves in what could be perceived as a less powerful position or a vulnerable position such as being a student in front of the people who they are supervising" (Delaney 2017).

but there is an expectation that the class will be held each week during that timeframe in order to complete the syllabus. In correctional facilities, as mentioned by Vera previously, a staff member must escort program volunteers to their destinations. If an escort is not available and a professor is unable to get to their classroom, for example, the professor might not be able to begin class on time. In addition, unit or full facility lockdowns that are unpredictable can disrupt the class time of a course. Faculty cannot, for example, make up a class without the permission of the Warden or another Department of Corrections administrator, and students cannot simply go to their professors' office hours throughout the semester for extra support.

In terms of the broader timeline for academic programs, RAND researcher Lois Davis suggests that it really does take longer than anticipated for students who are incarcerated to complete their degrees. She explains that according to State Correctional Education Directors, an Associate's degree program would take at minimum two and a half years to complete. Such an estimate, she adds, is very optimistic, as others would say it takes more like four or five years for incarcerated students to complete the necessary requirements for their degree. Davis continues, "The Pell Grant Pilot Program sets a window of five years within their time of release, but there are some who would argue that maybe that window is too narrow, that we need to think more broadly about who is eligible to participate in the Pilot Program" (Davis, Lois. 2016a: 31:43). Departments of Corrections also affect the timeline of these programs. Since Second Chance Pell is geared toward those to be released in five years, transition programs for enrolled students might begin to take precedence over their postsecondary work towards the end of their incarceration. In

some states, individuals soon to be released are often transferred to halfway housing or lower level facilities where they might not be able to continue their education and complete their degree³⁷.

Objectively, it is more difficult for a student who is incarcerated to achieve the academic success that they would on a college's main campus. In a prison setting, for example, a student might not be able to come to class as a result of a disciplinary infraction outside of the school, but within the facility. Sometimes the student might have to miss multiple classes and fall behind, or lose the privilege of participation altogether (U.S. Department of Education 2016b). Andre Bethea of the Bureau of Justice Assistance explains how the prison's "contentious" environment might impact the classroom: "we don't know if there's something that took place in a housing area or the cafeteria, or while the incarcerated student was being escorted to the classroom; was there an altercation?" (U.S. Department of Education 2016b: 35). Much of the adjustments to running a course for incarcerated students fall on the faculty member who is teaching in the space, who are unlikely to anticipate the severity of the differences in the two classroom settings prior to exposure. Not only must they must grow accustomed to a classroom that can be interrupted at any moment by alarms, a search, a correctional officer needing to take attendance, or pull a student, etc., faculty must also become authority figures within the prison (U.S. Department of Education 2016b). Bethea elaborates,

I think there are just behaviors that you will have to call attention to whoever the correction staff is that is with you or is near to you, and

³⁷ In some prison education programs, such as Wesleyan University's program at Cheshire Correctional Institution, a maximum-security prison, certain students have chosen to remain at the facility even after their security level is reduced so they can continue their coursework.

make sure that they are aware of anything that you may see that's outside of the norm. And I encourage each and every one of those to report any incidence as soon as possible (U.S. Department of Education 2016b: 35).

This expectation speaks again to the position that those coming from the college's side of this partnership must uphold in order for Second Chance Pell classroom to work on the correctional facility's campus.

As previously noted in the context of FAFSA administration, the lack of Internet in the corrections classroom becomes another major challenge professors must overcome in their instruction. For one, they must change their own teaching style to eliminate the use of the Internet during a lecture or homework assignment. Along these lines, a professor cannot suggest a student read more by a particular writer than what is provided, or enrich their learning through providing an impromptu video clip or something of the like. In addition, a professor cannot email a class to alter a syllabus or communicate with a student outside of class time. Unlike a traditional student, who has access to countless academic journals and an entire university library system for research, students in the Experimental Sites will have different levels of access to research materials. For example, students might be able to view a limited Internet that shows abstracts of library resources but does not provide full articles or e-books, or they might not even have access to computers. Each institution must figure out how to make their main campus library available to these students if they are to be held to the academic standards of traditional students. Even with math and science courses, traditional students often utilize the Internet for fact-checking and instructional purposes, which is the level of academic support for which

professors and program administrators must compensate in the prison classroom. Again, students at each experimental site will have varied technology available to them, such as tablets or laptops, and academic programs must adapt to the capabilities of such resources. In sum, if academic institutions and their faculty want to hold their experimental site classrooms to the same level of rigor as their main campus, they must take a closer look at resources taken for granted on their main campuses.

Lastly, the notion of contraband –that is, items that are not allowed in the correctional facility, presents a major structural difference between the two classroom environments. Bethea instructs postsecondary institutions to check in with the penal institution to see if there is an existing education program in the prison. That program may have access to a particular type of pen, for example, that may not be used as a weapon and is approved by the Department of Corrections. Some prison classrooms choose also to tag materials with different colors or numbers to make sure each one is collected at the end of the session (U.S. Department of Education 2016b). Again, such requirements vary depending on the security level of the prison and the particularities of the classroom. Certain postsecondary programs might have requirements that are difficult to accomplish within the concern for contraband in the prison classroom, but with the intercommunication of Second Chance Pell sites, some of these obstacles can be overcome. For example, a university's core requirements might include a lab science, but open flames and dissection tools are not allowed to enter the facility. However, science programs are able to perform dissections on certain organisms with nothing more than a disposable plastic knife (Delaney 2017). In general, Bethea advises that postsecondary institutions consult facility-based

educational staff during the development and operation of any prison-based postsecondary education program, noting that building partnerships with these staff will help the postsecondary institutions to troubleshoot problems and identify “work-arounds” (U.S. Department of Education 2016b). As each experimental site continues to problem-solve, communication within the partnership and across Experimental sites pave the way for future educational programs to enter the prison setting more swiftly.

Missing Pieces of the “Experiment”

If we recall the three points of analysis of the Second Chance Pell Pilot Program --how the waiver influences student participation in educational opportunities; the challenges or obstacles to administering such a program that relies on federal aid; and the academic and life outcomes of those individuals--much of the early stages and implementation period of these programs provides insight into two of those three items. Looking at the academic and life outcomes of individuals enrolled in Second Chance Pell sites, however, requires a deeper level of implementation, data collection, and analysis. Another area of the program that has yet to be realized is the reentry support of experimental sites for their soon-to-be released students. Of course, with the Pilot Program in its first year, with 33 sites currently in their first semester, and some not even up and running, it is too early to know what Second Chance Pell networks and outcomes and reporting will look like. Chapter 4 will begin to imagine and discuss its potential in those realms.

What we do know is that there has been little data collected and even less reported thus far in the experiment: Vera sent out a survey to sites at the beginning of the Fall 2016 Semester, but has released only general trends and some qualitative information via a webinar in February of 2017. The U.S. Department of Education plans to collect data at the end of this first academic year. According to the Department, each site is required to provide narrative descriptions of their program, as well as complete a survey specifically about the implementation of the experiment, with follow-up surveys throughout the course of the experiment (U.S. Department of Education 2016b). It has been made clear through webinars hosted by both Vera Institute of Justice and the Department of Education that experiential sites are running into countless issues and are in need of increased support. Vera, as well as all actors in Second Chance Pell are invested in the success of the program. However, without publishing information regarding the implementation phase of each program and the issues they are running into, lack of communication across sites will result in other programs running into similar problems that might have already been resolved in a different Second Chance Pell partnership. A lack of transparency concerning site-by-site progress may not only stunt the progress of the Initiative as a whole, it glosses over important points of conflict that are essential to our understanding of these programs. The type of data the Department of Education plans to collect puts the learning outcomes secondary to program and institutional outcomes. As the RAND Report stresses, new modes of research and data collection must begin to shed light on the “black box” of prison education (Davis et al. 2013). It is unclear to what extent the Department of Education is interested in performing such a task, when, as

explained in the previous chapter, their measures for program efficacy are more fiscally driven.

As with all Experimental Site Initiatives, assured Jeff Baker, the Federal Student Aid's Policy Liaison and Implementation Director, the ultimate aim of the experiment is "to find a way to make a policy recommendation that the law could change in this area" (U.S. Department of Education 2015a: 3). Although the Second Chance Pell Pilot Program presents potential for data collection, analysis, and reporting, such information becomes quite sensitive if the program does not run smoothly, or does not produce certain outcomes. Schools and individuals who are incarcerated both rely on positive outcomes of this program in order to continue to benefit from Pell Grants. As a result, Second Chance Pell students and faculty are likely to find themselves in a stressful academic setting where the fate of the program relies, at least in part, on their performance. What is more, the Vera Institute of Justice is certainly relying on positive outcomes, because the organization strongly promotes, and is therefore invested in, postsecondary education in prison and the full-time reinstatement of the Pell Grant to incarcerated students. Simply put, the Second Chance Pell Pilot Program is an extremely difficult feat, even to implement, but on the side of research and reporting, and with potential to affect policy, no one involved in the Initiative can afford to produce data with negative outcomes. As with previous studies done on prison education, the implementation process of the Second Chance Pell Pilot Program and the navigation of the partnerships upon which the Pilot relies, risks falling secondary to an outcome-driven experimental model. Optimistically however, the networks developed through the process of Second Chance Pell across

communities and across the nation, as well as the conversations they stimulate, would make the program difficult to ignore, and even harder to uproot.

The Role of the University in Mass Incarceration

Universities, perhaps more than any other institution in the nation, are indebted to society for their power. In their physical and less tangible forms, the University is a host of resources and wealth, knowledge and influence. Their networks are simultaneously strong enough to reach across the world, while often failing to extend down the street and into their host communities. In a similar way to how rural towns across the country have attempted to resuscitate their economies by welcoming the construction of a new prison, college towns often depend on the University for their survival. In return, universities give very little back to their towns, growing their endowments and their prestige in an insular manner. Some of the “unforeseen challenges” and “unexpected benefits” of the Second Chance Pell Pilot Program, as they are called by the Department of Education, have to do purely with the contact that these universities are making to extend their networks into local prisons, interacting with the people who work there, and the most disenfranchised communities housed within them. Of course, the information collected by the Department of Education and other parties through the experiment is important, and might determine the future position of prison education at large. Yet even if outcomes are unfavorable, or do not excite political change, the initiative has already begun a ripple effect of contact, conflict, and conversation. Second Chance Pell Experimental Sites are positioned in support of their new population of students, not only as academic support, but as a new partner in students’ local reentry network. Whether or not the potential impact of these partnerships turns kinetic is yet to be determined.

Yet the Federal experiment, and those invested in prison education at the postsecondary level, fail to acknowledge a key paradox in these partnerships between postsecondary and penal, college and corrections, perhaps because it would risk a demobilization of momentum thus far. The paradox here is that advocates of prison education frame universities and access higher education as the antidote to incarceration and its outcomes on the life chances of those wrapped up in it; they fail to note, however, how the university and prison systems are, as sociologist Julia Oparah theorizes, “linked and mutually reinforcing” (2014: 109). In the first chapter, we came to view the University as invested in white supremacy, first through the slave trade and later in its racialized rhetoric of “excellence,” in opposition to open admissions policies. Through industrialization and into the Civil Rights Era and Tough on Crime policies, schools and prisons alike became tools of social control, maintaining and enforcing a social order that was more or less a racial hierarchy informed by a dominant ideology of the State. In general, when the national ideological pendulum swings in favor of a rehabilitative carceral system, prison education thrives. When educating people who are incarcerated poses a threat to the nation’s ideology, as it did in the Tough on Crime politics that informed the denial of Pell Grants to people who are incarcerated in 1994, prison education programs at the postsecondary level just about vanish.

In the second chapter we see that pendulum swing back in favor of the rehabilitative prison model with the Second Chance Act of 2007. Policymakers took on a primary interest--primary in that it is the most powerful in affecting change--in the fiscal efficacy of prison education. A second, civil rights based, approach to the

push for prison education, and the reinstatement of Pell Grants specifically, pointed to the racial inequities that prison education would at least soften, providing socioeconomic mobility to those it would reach, and improving the life chances of those students and, by extension, their communities. Still others took on the human rights approach to prison education, under which the Pell Grant was initially formed, which claims that access to higher education should be a human right for anyone who wants to pursue it.

The Second Chance Pell Pilot Program introduced under the Obama Administration's Second Chance ideology provided a federal push for the temporary reintroduction of Pell Grants to incarcerated students. The Pilot, and Second Chance rhetoric at large, is used in this administration as platform for reform that does not need to recognize, or apologize for, wrongdoings of a previous administrations. Under the Experimental Sites Initiative, the Pilot, was implemented nationwide, giving "second chances" to a select group of socially sympathetic people, incarcerated, but otherwise deemed fit for and deserving of postsecondary education. Prison education under the Pilot would be a cost-effective, evidence-based practice that would "supplement," not "supplant," existing efforts in the field. The a "Second Chance" platform, strategically enabled the Obama Administration to initiate postsecondary education programs in prison, and other criminal justice reform without having to confront a major question: *How does such policy reform provide a Second Chance when many people who are incarcerated today were never given a fair chance the first time around?*

The third chapter explored the intentions and implementation of the Pilot and its first semester, pointing to optimistic efforts by sites to implement their academic programs while confronting barriers posed by the U.S. Department of Education's federal aid processes, and the penal institutions hosting the programming. In essence, the chapter poses the Second Chance Pell Pilot Program as a test case for the structural and ideological incompatibility of the Department of Education and the Department of Corrections. As a result of the timeline of Second Chance Pell, the chapter attempts a snapshot of early implementation without extensive data, and without a timeframe that would kick start opportune transition services and proposed reentry networks. We do come to realize, however, as serious void of reporting in terms of progress made and obstacles faced by the 29 sites that began in the Fall 2016 semester. As the Department of Education and Vera Institute of Justice remind, the outcomes of the Second Chance Pell Pilot Program provides the potential for serious and permanent policy change; its fate, however, rests upon the success of Experimental Sites -- success as defined by the fiscal approach to Second Chance Pell. Vera, however is optimistic, claiming that as seen with previous postsecondary education programs in prisons, "the Second Chance Pell sites should have no shortage of positive stories to share as they roll out their programming in prisons throughout the country" (Delaney et al. 2016: 35).

Although conversation surrounding the positionality of the University in the carceral system might appear detrimental to the progress of the overall movement, mobilization would be irresponsible without accountability. Before moving blindly ahead, it is the responsibility of the Academy to engage in such a conversation. In

producing a critical awareness of the University as both a perpetrator of the prison system and a possible solution to it, institutions of higher education might then move away from feeding the ills of the carceral, and instead towards dismantling it, and repairing its damage.

Mitigation of the Carceral System by the University for the Student

As explained in the previous chapter, successful Experimental Sites under Second Chance Pell are those where both parties in the partnership are not simply willing to make the program work, but actively invested in overcoming bureaucratic obstacles to make the site successful. As both sides of the college-corrections partnership begin to work out the social, technical, and political issues to implementing and running their program, a larger ripple effect begins to take hold, increasing the accountability of the penal institution. Second Chance Pell requires administrators and correctional staff to shuffle their “inmates” through the same federal financial aid system that every traditional low-income student in the higher education undergoes. In this alone, there is a demand on the participating prison to confront the fact that institutions of higher education view these individuals as students, as learners, and as human potential to be realized.

In effect, Second Chance Pell creates a more rehabilitative atmosphere in the prison spaces where it runs; it is, however, a guest hosted in a penal setting with a distinct ideology and set of rules that, for the sake of its primary function, will not stand to be undermined. As a result, the Initiative pushes a reconfiguration of the balance between how punitive and rehabilitative measures interact within the facility

to the maximum point of penal accommodation. Of course, the rehabilitative effects of education for students who are incarcerated are extensive. To name a few, think of the way in which a classroom setting gives authority and agency to the participating student; during a class discussion, for example, there is an expectation that the instructor and classmates alike listen, consider, and respond to the student who is speaking. Think back to Glenn E. Martin's experience with prison education and its liberating effects; a college course may give students the theories, tools, and materials to think differently about themselves and the spaces they inhabit. More concretely, participating in an academic program provides an individual who is incarcerated with the time and space to be out of their unit, both physically and intellectually. These immediate outcomes take hold even before an incarcerated student is released.

In addition to pushing rehabilitative programming within the facility, Second Chance Pell functions as a platform for participating universities to support their students upon reentry. This support comes in two major forms, the first of which, as outlined in the Notice inviting the participation of postsecondary institutions in the Pilot, comes in the support for continued education upon reentry. The Notice lays out the following expectation of participating sites:

As appropriate [sites will] offer students the opportunity to continue their enrollment in the academic program if the student is released from prison prior to program completion; and inform students of the academic and financial options available if they are not able to complete the academic program while incarcerated. This includes whether the students can continue in the program after release, transfer credits earned in the program to another program offered by the institution, or transfer credits earned in the program to another postsecondary institution (Studley 2015: 13).

This expectation encourages Experimental Sites to hold Second Chance Pell Students to the standards of students on the school's main campus, to the point where they could continue their education on that campus post-release. Welcoming Second Chance Pell Students to continue their studies on the college's main campus would also signal that Experimental Sites view their students as socially, politically, and physically non-threatening to their main campuses.

Through facilitating degree completion, even if a Second Chance Pell student cannot achieve that before release, the Pilot Program encourages its sites to commit to giving that student a diploma. By extension, this commitment not only functions as proof of satisfactory academic program completion for the student; it shows that a college is willing to brand someone with a criminal record as an alumnus of that institution. Think back to the case of Tremblay V. Riley, in which Stephen Tremblay argued that his educational accomplishments would assist him when going in front of the Parole Board (1996). For Second Chance Pell students and alumni, having transcripts, reports, and letters of recommendation from professors is instrumental for a successful release – from meeting with a case manager or parole officer to providing references or credentials for employment and other pursuits, a postsecondary degree earned after a criminal conviction becomes a stamp of approval, mitigating the stigma of a criminal record. It says that a person is competent and ready for employment, for social responsibility, and for productive membership in society at large.

The role of the University under Second Chance Pell, however, does not stop there. The Department of Education's Notice explains, "Participating institutions, in

partnership with Federal or State correctional facilities, will also submit their plans for...transition services to their incarcerated students to support successful reentry” (Studley 2015: 14). In the third webinar hosted by the Federal Department of Education, Andre Bethea encouraged colleges to begin to meet with the correctional staff in their partnering facility who operate the reentry network and reentry efforts on site, persuading college administrators to avail themselves of and align with reentry staff present inside the facility. With students leaving the prison at different times, and in different areas of their coursework, such “wraparound services” as Bethea calls them, of inside-outside transition can prove extremely useful to the student in transition (U.S. Department of Education 2016b: 37).

Recall that the application process for participating sites also inquired about reentry services and other community networks that might be able to assist program alumni before and upon release. Michael Cagle, a Program Analyst for the Department of Education, elaborated, “this is to help ensure that students under the experiment are equipped with not only the academic knowledge that the program offers, but also the aptitude to utilize the knowledge and applicable credentials post release” (U.S. Department of Education 2016a: 10). Although it is too early in the Second Chance Pell Pilot to see the extent to which universities will facilitate reentry support, across the board universities are hubs of social, cultural, and technological resources. They have existing career centers and alumni networks. What is more, at least for students in State correctional facilities, the main campuses of Second Chance Pell colleges are likely to be in close proximity to the student post-release, and are

generally connected to community-based organizations. As RAND Researcher Lois Davis notes,

Community college or university administrators don't necessarily have to play the role of reentry counselor, but they need to understand the process of reentry and how to help individuals link to reentry resources in their communities. By ensuring these students have the necessary support, they can help set them up for success (2016b).

Although all participating Second Chance Pell sites have a role to play in their students' reentry, community colleges in particular would be likely to best accommodate a student just released. That is partially because many people who have been incarcerated might have trouble adjusting to, or might not want to participate in, the lifestyle of a largely residential college. In addition, community colleges and some State universities with a high volume of "non-traditional," online, or part-time students would be more likely to successfully accommodate previously incarcerated students. Zoukis too, holds community colleges to be "one of the most promising avenues for success in the reentry movement" (2014: 191).

But what is the role of private universities, which tend to have more prestige and more resources that could boost a student with a criminal record even further away from the stigma of their conviction? And is it not ironic that institutions of higher education are now looking to assist the subjects of the prison system they helped create? As universities begin to turn towards reforming the prison system, the linkage between universities and the prison industrial complex remains too blaring and alarming to be ignored.

The Academy's Link and Reinforcement of the Prison Industrial Complex

The beginning of the first chapter of this thesis encourages the reader, and by extension the Academy, to confront the institutional history of the University as colonial, financing and running their schools off the slave trade. The universities also gained some legitimacy in the political sphere through scholarly work surrounding a racial science that defended the white supremacy, of which the University rested comfortably upon. In the 1990's, as discussed later in that chapter, universities entered into the Prison Industrial Complex to grow their own endowments. Oparah defines the Prison Industrial Complex here:

The prison-industrial complex can usefully be defined as a symbiotic and profitable relationship between politicians, corporations, the media, and the State correctional institutions that generates the radicalized use of incarceration as a response to social problems rooted in the globalization of capital (2014: 103).

Universities are tied to, and reap the benefits of, this Prison Industrial Complex in a variety of ways. The first is how universities tie their endowment growth to the success of prison corporations. Because of the opacity of university investment offices, endowments are often difficult to track and are sometimes hidden from the general public. Prison divestment campaigns and investigative journalism on college campuses however, are cracking down on university investments. As an investor, however, university's stake in the continuation of the prison buildup would lead to better facilities, technology, and even financial aid packages for its students. If the parallel has not been made clear, this is a blatant example of the university's continued investment in and reliance upon a modern form of slavery.

On the ground, universities themselves rely on law enforcement and the prison system to protect their institution, sometimes even from their own students. Oparah suggests that the University relies upon law enforcement on college campuses against students involved in the Occupy Movement and other protests that undermined the power of the University itself. She explains that if students choose not to align with the priorities and “patriotic correctness” of ruling elites who make up the University, they will “quickly be removed from their positions of privilege and rendered part of the ‘criminal class’” (2014: 108). This raises the “pipeline” question of whether or not such mobility works in both directions. In other words, although it is surely easier to fall out of an elite institution and into the “criminal class,” to what extent might it be possible for a Second Chance Pell student to climb upwards, out of their criminal identity and into an advantaged academic one?

Inside its gates, the University continues to produce knowledge and scholarly work that both benefits from and perpetuates penal practices. Put plainly, the University produces what Louis Althusser refers to as the “agents of exploitation” and “agents of repression,” as well as the technologies to elevate such positions of power within the prison system. As Oparah elaborates, institutions of higher education “educate a global knowledge elite who will become the ‘prison wardens’ –literally and metaphorically- of the nonuniversitied majority” (2014: 108). Not only do universities provide the degrees and coursework to support positions in Althusser’s Repressive State Apparatus, within the fields of corrections, homeland security, and law enforcement, among others, the Academy also produces the scholarship and technology that perpetuates mass incarceration. There is a synergy here between the

university and social control that cannot be ignored; theories of ‘Tough on Crime’, ‘Three Strikes’, and ‘Broken Windows’, all stem from the work of academics. What is more, departments of engineering, of chemistry, of psychology, and more, technologically advance the power and efficacy of the penal system. In fact, Foucault connects the “birth of scientific psychology” to methods of discipline, where it was then institutionalized and given political rhetoric of “serving justice” (1995: 295).

Liberal scholarship and reform efforts too, are embedded in, and strengthen the existence of the carceral. As Foucault explains, rehabilitative and reformatory institutions and disciplines of education, public assistance, and social work become part of the “penal apparatus,” normalizing the existence of the prison system through discourse, assessments, and administration (1995: 306). Even activism of prison abolition, reform, and rehabilitation efforts, and progressive scholarship that explores alternatives to incarceration, restorative justice, and other models, hold some weight in undergirding the prison system. That is, such a field would not create employment, publicity, profits, etc. if the prison system was not in crisis. This thesis relies upon the existing penal structures for its analysis and exposure. Although some research into aspects of the prison system affects evidence-based political reform, and is indeed necessary, research institutions constantly excavate prisons and the individuals there as a source of data.

There is a researcher-researched binary embedded in the university’s attention to the prison system that, even through an ideology of reform, is symbolically damaging in strengthening such a division. When thinking about the power structure of this binary, it rests upon the same social hierarchy that inform the structure and

formation of prisons. Foucault writes that panopticism, “[t]he practice of placing individuals under ‘observation[,]’ is a natural extension of a justice imbued with disciplinary methods and examination procedures” (1995: 227). Observation for the purposes of knowledge and research, though perhaps not punitive in intention, does in fact legitimize the power structures of the penal system. Oparah expands upon the roots of this binary:

These relationships, between scientist and experimental subject, social scientist and research participant, are embedded in imperial global inequities and domestic patterns of subordination; the social relations of knowledge production position those without economic or political power, or racial, national, and gender privilege, as objects of investigation and raw materials for knowledge industries” (2014: 111).

What happens, then, under the Second Chance Pell experiment? The program connects these “knowledge industries” to people who are incarcerated for the sake of investigation. Although the Second Chance Pell Experiment is on the subject of prison education, a reformatory practice, the incarcerated individuals remain subjects researched by the State.

During the Second Chance Pell Summer Convening, hosted by Vera Justice Institute, various independent researchers presented potential projects they were hoping to pursue in partnership with Second Chance Pell Sites. A mix of university and non-profit research groups presented seven different proposals to representatives of the selected sites. The Department of Education later conducted a live survey during one of their webinars, and reported that about half of the sites represented were interested in working with an independent research group (U.S. Department of Education 2016a: 28). This outside research effort, in addition to research by the U.S.

Department of Education and Vera Institute of Justice, expands the access to the incarcerated students as subjects.

Participating sites as well are considering performing their own research, apart from the Department of Education. In fact, certain sites have already raised questions regarding conflicts of interest between their educational programs and data collection, and how their Institutional Review Boards might handle that situation. On a site-to-site basis, each school's Institutional Review Board has the potential to hold at least the school accountable to institutional standards of ethical research regarding Second Chance Pell. Second Chance Pell Experimental Sites exist in a unique position, as both research institutions democratizers of knowledge and privilege. Through their educational programs, universities take on research "subjects" as their own students, training them for participation in the other side of the Academy - the powerful, authoritative side.

The extent to which the University is prepared and willing to sponsor and invest in their Second Chance Pell student body upon release, however, is still unclear. In general, with universities earning more funding and attention for diversifying their student bodies, having a prison education program can be a source of capital in itself to universities. It might, for example, draw researchers, media, interested applicants, and other donors to the institution. Yet many universities that have prison education programs have not "banned the box" on their own campuses. Of the college application process in general, Vera Institute of Justice reports, "In 2014, three-quarters of college applicants confronted application questions about past criminal involvement" (Delaney et al. 2016: 34). What is more, research shows a

“chilling effect” related to checking “the box:” Vera reports that in one 2015 study, “for every applicant with a felony conviction who was rejected by a review committee, 15 people did not complete their applications after checking the felony conviction box” (Delaney et al. 2016: 34). Universities with prison education programs are not held accountable to practice what they preach, so to speak, in regard to the services they provide to individuals who are incarcerated. In other words, they can maintain a student body and workforce free of the stigma of a criminal conviction while reaping the benefits of their philanthropy inside local correctional facilities.

Some institutions, including Wesleyan University, praise themselves for providing the same quality of coursework to students who are incarcerated as on the main campus, but they refuse to grant incarcerated students a degree with that institution’s name. Under Second Chance Pell, for example, Middlesex Community College has partnered with Wesleyan so that their students in two Connecticut facilities can transfer their Wesleyan academic credits towards a Middlesex Community College Associates Degree. Wesleyan’s Center for Prison Education, then, draws capital to the university without having the permission from the Provost to provide a Wesleyan degree³⁸. As Dr. Gillian Harkins and Dr. Erica R. Meiners explain, “Affiliation with a university does not necessarily indicate that...the people taking credited classes in the prison through a particular university are understood by the university as ‘students’ of that institution” (Harkins and Meiners 2014). This “understanding” or acceptance of an incarcerated student by that institution would relate to how such an acceptance would impact the brand, or prestige, of the

³⁸ The Wesleyan Provost and Assistant Provosts, refused to comment on their official stance concerning the barring of Wesleyan’s incarcerated students from a Wesleyan degree.

institution. As seen in Chapter 1 regarding the fight for open admissions at the City University of New York, incarcerated students might be viewed as diluting the “excellence” of the institution.

In *Beyond the University: Why Liberal Education Matters*, Wesleyan University President Michael Roth himself points to the paradox of an exclusionary vision for education, then held by Thomas Jefferson:

Here was a slaveholder who tied education to liberation. He was a determined racist who wrote of the importance of allowing young people to fail as they found their enthusiasms – obviously, only some people. Having good ideas about education doesn’t make one immune to scandalous hypocrisy (2014: 191).

Yet is Wesleyan’s own arrangement with their prison education program so dissimilar? Roth exclaims, “One of the crucial tasks of liberal education should be to help students cultivate the willingness and ability to learn from material they might otherwise reject or ignore” (2014: 184). The institution itself, however, is unwilling to learn from and welcome an entire population of the students they train through this liberal model. The question becomes, how far have liberal institutions such as Wesleyan come from the “hypocrisy” of Jefferson’s University of Virginia? Such conditional agreements between a university and their incarcerated students might leave us wary of how the commitment to improving a student’s reentry and life chances actually looks.

The University in Decarceration

Of course, universities differ in their ideologies, both inside and outside of their main campuses. Some have even successfully banned the box. The State University of New York, for example, voted to "ban the box" from its general student application across the SUNY system on September 14, 2016, notably around the time the first Second Chance Pell sites were being implemented. The SUNY policy that previously required student applicants to declare prior felony convictions now waits until after a student is admitted, though it still arises when students seek campus housing or participation in clinical or field experiences, internships, or study abroad programs, for example (SUNY 2016). Student Assembly President and Trustee Marc Cohen remarked after the vote,

The stigma behind criminal offenses might be part of a student's past, but we, the SUNY Student Assembly, believe in a path forward. I am proud of the hard work and dedication my colleagues have put into eliminating convictions from the general admission process (SUNY 2016).

Such efforts on the part of university systems are essential to legitimizing and institutionalizing the ability of a student with a criminal record to pursue a postsecondary education. From the number of sources in this thesis produced by people who have experienced incarceration, it is clear that one's incarceration does not and should not disqualify them from the academic conversations surrounding this issue, or any topic for that matter. Democratizing knowledge through college in prison programs, as well as banning the box on universities' main campuses would

form new approaches to scholarship and coursework from “non-traditional students” with different lived experiences. Shifting structural relations within these institutions would create agency for people previously denied access. Yet such actions are often limited to public universities in recruitment of more students and more federal backing, as the concern for notions of institutional prestige causes other institutions to fall flat.

Because implementation of Second Chance Pell took place in the last few months of the Obama Presidency, the fate of Second Chance Pell, and the federal policies that supported rehabilitative prison spaces and expanded education access are no longer secure. Under the Trump Administration, which is pro-privatization of penal and postsecondary institutions alike, the ideological pendulum is likely to swing back toward the Tough on Crime politics responsible for denying Pell Grants to incarcerated people in 1994. Already under new U.S. Secretary of Education Betsy DeVos, there is a distinct lack of support for federal student aid. Previous Education Secretary, John B. King Jr., a clear advocate of the Second Chance Pell Pilot Program, reported that the Trump Administration is making “draconian” cuts to the Pell Grant program (Alvarez Boyd and Kamenetz 2017). Although Second Chance Pell is such a small part of the Pell budget that it does not take away any reward from a traditional deserving student, the politic of its use surely puts the program in a precarious position. When asked about the future of Second Chance Pell after the 2016 election, Ruth Delaney of Vera responded,

The real answer is we don't know what's going to happen. The guidance that we have received from the Department of Education has been simply that most Experimental Sites run three to five years, and

there's no reason to expect that this would be different. No one is sure exactly what is going to happen, or how this program may come to the attention of folks who may not agree with it, we don't know. We don't know if people won't agree with it (2017).

As sites continue to run, and strengthen their presence and networks, the Second Chance Pilot Program may become quite difficult for a new administration to uproot. In fact, the fiscal approach to prison education, whereby it is supported if it is cost-effective, might be compelling enough for the Trump Administration to simply let the experiment run its course. At this point, as Delaney noted, it is difficult to predict the fate of the Second Chance Pell Pilot Program and future Pell Grant access in the Prison.

Universities with college in prison programs, such as the 67 Second Chance Pell Experimental Sites across the nation, providing an entry point to the prison system, find themselves in a unique position in dismantling the Prison Industrial Complex that will surely be strengthened under Trump, if they so choose. Such action would begin with freeing the University endowment from investments in prison cooperation's, and enabling administrations to run by and for its students, not excluding those enrolled while incarcerated. It continues as promoting higher education as a right, not a privilege of the wealthy, carrying out the original philosophy of the Pell Grant itself. In addition, this would entail that universities not only break from the prison industrial complex, but they become leading institutions in decarceration, towards an abolition-democracy, taking responsibility for, and repairing the damage of a carceral system rooted in their institutional histories.

Such a vision would require a complete rethinking of the role of the university, in society and in mass incarceration. Of course, prison education is not purely abolitionist – it feeds resources into the prison through a reformatory frame of improving the quality of incarceration, rather than abolishing imprisonment itself. But universities do have the power and influence to take on an “abolitionist approach” as Angela Davis suggests, “with the ultimate aim of removing the prison from the social and ideological landscapes of our society (2003: 107). Harkins and Meiners explain that an abolition-democracy, which is a term used by both Davis and previously W.E.B. DuBois, “requires reconstructing the structures and traditions that safeguard power and privilege, just as much as taking down those that visibly punish and oppress” (2014). That means that educational institutions, and other ideological state apparatuses, to use Althusser’s distinction, must change to a decarceration model that does not perpetuate a punitive Repressive State Apparatus. Harkins and Meiners suggest,

Challenging the prison-nation therefore means fighting to close prisons, but it also means doing the perhaps more difficult work of opening up and reconfiguring other institutions that have shut their doors to those who have been abandoned by our punishing democracy. Universities and Colleges are among the institutions whose own viability depend upon the successful abolition not just of prisons, but of the conditions that make prisons and other punitive and carceral models possible (2014).

At a time when the university and the prison systems are in crisis, there is an opportunity to shift universities, and all educational institutions, for that matter, from “conduits to prisons” to “vehicles for decarceration” (Davis 2003: 108). The Second Chance Pell Pilot Program begins to lay the groundwork for such a possibility.

But first, universities must utilize their resources and their programs to apologize for their colonial histories rooted in slavery and perpetuating its modern form called mass incarceration. Universities can make the institutional decision to go beyond the limited politic of Second Chance rhetoric, and provide reparations. This is not a new concept, and it comes from the Academy itself: as writer Ta-Nehisi Coates suggests, “Scholars have long discussed methods by which America might make reparations to those on whose labor and exclusion the country was built” (2014). Academics from institutions including Yale and Harvard, both built upon the slave trade, suggest monetary reparations as well as reparative programming that takes racial justice as its mission (Coates 2014). Coates continues, “The idea of reparations is frightening not simply because we might lack the ability to pay. The idea of reparations threatens something much deeper—America’s heritage, history, and standing in the world” (2014). For the University, reparations, potentially through the form of affirmative action in admissions, and more directly through prison education programs that do more to support their students and sponsor them upon release, appear financially sound. However it is a more complex puzzle for universities, too steeped in “tradition,” to question or even reject their pasts and move forward anew. Such a vision for the University, of course, is idealistic to say the least. Yet this is a time of political and social uncertainty, which poses the opportunity for change. Existing groundwork of the Second Chance Pell Pilot Program may begin to percolate into conversation, into vision, and even into action, in ways previously deemed unimaginable.

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