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Lessons from Second Chance Pell

A Toolkit for Helping Incarcerated Students

Complete the Free Application for Federal Student Aid

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Important FAFSA Updates that Impact Incarcerated Students

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On December 27, 2020, the Free Application for Federal Student Aid (FAFSA) Simplification Act was signed into law, reversing the portion of the Violent Crime Control and Law Enforcement Act of 1994 that banned incarcerated students from accessing Federal Pell Grants to pay for college. Although the law is set to take effect no later than July 1, 2023, the U.S. Department of Education exercised their early implementation authority granted in the Act for two key provisions that greatly impact incarcerated students.¹ As of the 2021-2022 financial aid year:

1 The requirement for men under age 26 to have been registered with the Selective Service System to receive federal student aid has been removed. In the past, this requirement created a tremendous barrier for incarcerated students and was time consuming to resolve.

2 The FAFSA will no longer require applicants to provide information about drug-related convictions. Previously, people with certain drug-related convictions could not qualify for federal student aid. The law removes that restriction, making it easier for more students to qualify. (Note: until the FAFSA form is updated, this question may still appear on the form, but can be ignored.)

Other provisions of the FAFSA Simplification Act are due to be implemented no later than July 1, 2023. For instance, the law:

→ is “sentence-blind,” meaning that all incarcerated people who meet the general eligibility requirements are eligible, regardless of conviction or sentence length;

- defines incarceration or parental incarceration as an “unusual circumstance,” allowing financial aid officers to more easily exercise their professional judgement authority to grant dependency overrides, making it easier for younger incarcerated students and students with incarcerated parents to accurately document their circumstances and qualify for financial aid;
- establishes new guidelines to determine the “cost of attendance” for incarcerated students, including tuition, fees, books, and supplies, as well as the cost of obtaining a license, certification, or a first professional credential;
- replaces Expected Family Contribution (EFC) with the Student Aid Index (SAI) and increases the number of students eligible to receive the maximum Pell Grant; and
- reduces the number of questions on the FAFSA form by two-thirds, from 108 to 36.

Regulations for enacting these provisions, as well as any additional policies and regulations stemming from the law, will be finalized and disseminated with the field prior to the implementation date. With the exception of the Selective Service registration and drug conviction questions noted above in items one and two, all other information in this toolkit remains accurate to processing financial aid for people in prison through July 1, 2023.

Endnotes

1. Richard Cordray and Annmarie Weisman, *Early Implementation of the FAFSA Simplification Act’s Removal of Selective Service and Drug Conviction Requirements for Title IV Eligibility*, June 11, 2021, <https://perma.cc/AR5W-U4QN>.

For more information

For more information about the new law, see: Juan Martinez-Hill, *A Monumental Shift: Restoring Access to Pell Grants for Incarcerated Students* (New York: Vera Institute of Justice, 2021), vera.org/publications/restoring-access-to-pell-grants-for-incarcerated-students.

Foreword

One by one, the graduates made their way across the stage as their names were called. The audience, filled with their loved ones, instructors, and college administrators, clapped and cheered as the students received their diplomas, fulfilling their dreams of becoming college graduates. On the surface, it was like any other graduation ceremony: smiling faces, academic regalia, speeches, music, and an overwhelming sense of accomplishment and hard-won achievement. At this particular graduation, however, a 25-foot concrete wall patrolled by corrections officers stood in the distance, serving as a reminder of the extraordinary magnitude of the event and a signifier that it was unlike any other graduation I had ever attended. The students, who were all serving time in Oregon State Penitentiary, had just become college graduates under incredibly challenging circumstances. Watching the ceremony, I couldn't help but reflect on how it all began.

Four-and-a-half years ago, I sat in my office on my former college's campus on a warm summer morning. As I typically did as a financial aid administrator, I began my day by reading the most current news from Federal Student Aid, but what I read that day struck a chord within me, inspiring me to take the first step that would lead to that graduation celebration years later. The Obama administration was announcing its intent to start a Second Chance Pell Experimental Sites Initiative, allowing incarcerated students attending selected colleges to receive Pell Grants for the first time since 1994. I was immediately intrigued and began researching the many benefits of such programs, which led me to recognize the need for developing one here in

Oregon. I learned about how the programs benefit both the students and the communities they will soon rejoin. I discovered that the program contributed to reduced recidivism among participants, resulting in an overall cost savings to the state, stronger communities, and safer prison environments. As I delved into these outcomes, I began to see myself contributing to such important work and started looking for ways to get involved.

Four months later, Chemeketa Community College hired me to lead College Inside, their small, donor-funded postsecondary education program for incarcerated people. I began immediately working on Chemeketa's application to participate in the Second Chance Pell program and planning how to set up viable financial aid processes and procedures once the school was authorized to enroll students in prison. Soon enough, Chemeketa was privileged to be selected as one of 67 colleges and universities to participate as a Second Chance Pell experimental site. Although I was elated by this news, I knew that the real work was just beginning.

I began planning a degree-focused program that would guide students through applying for the Pell Grant while meeting all federal financial aid rules and regulations. I wrote a program manual that established policies and procedures and outlined key dates for meeting financial aid eligibility. As my colleagues and I built the program, it became clear that students needed step-by-step guidance on everything from when they would receive financial aid to how to drop a class. I also began brainstorming how to get incarcerated students

through challenging financial aid situations and a complex application process with limited resources.

For the program to succeed, it needed the support of Chemeketa's financial aid office to help incarcerated students through the complex financial aid processes required to secure a Pell Grant. As my first step, I brought them donuts. Then I asked for their help. Along the way, the Chemeketa program was fortunate to establish a relationship with the Vera Institute of Justice (Vera), through its role as the designated technical assistance provider for the Second Chance Pell sites. Vera helped connect Chemeketa's program to schools across the country that were building similar programs.

The toolkit you are reading is a product of this collaboration. It is a comprehensive guide designed to provide solutions to and information about the main financial aid challenges that programs such as ours encountered and overcame. It captures these lessons for the benefit of those seeking answers to the difficult, complex, and technical questions of financial aid administration in prison.

While there will be many challenges for administrators navigating the financial aid process on behalf of students in prison, there is a growing body of knowledge about how to handle those issues. Understanding these challenges and using this guide to overcome them is of vast importance because every challenging financial aid situation you work through has the potential to open the door to education. Helping a student to clear these hurdles can change their life. The impact can also

have a ripple effect among students' families and loved ones as the new college graduates prove through their success that college is within reach for all. These students will go on to make a positive impact on their communities and society.

It is therefore imperative that you don't shy away from these difficult financial aid cases, but instead use this toolkit to tackle them head on. The more successful you are in overcoming these financial aid challenges, the more satisfying it will be as you witness your students walking across the stage as college graduates, switching their tassels from left to right, and taking that step into a brighter future. You can take it from me—it's remarkable.



Michael Budke
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Introduction

In 2015, the U.S. Department of Education (ED) announced the Second Chance Pell (SCP) experiment under the Experimental Sites Initiative, which allows incarcerated students who would be eligible for Pell if they were not incarcerated, access to Pell Grants while attending an eligible academic program offered by one of the colleges participating in the experiment.¹ SCP postsecondary education programs provide incarcerated students college credit-bearing curricula resulting in certificates or associate of applied science, associate of arts or science, and/or bachelor of arts or science degrees.² The SCP initiative is now in its fourth year serving more than 10,000 students in state and federal prisons in 26 states through 64 colleges and is poised to expand.³ In 2019, ED announced it would select a second group of colleges to participate in the SCP initiative 2020.⁴

Once selected, these colleges will be administering Pell Grants to students in environments very different from those on their other campuses. As many colleges currently participating in SCP can attest, this is no easy feat. If the college and the student are not well prepared to handle it, filing for financial aid while incarcerated can be a formidable challenge to gaining access to the transformational experiences postsecondary education in prison can bring. Drawing on the experiences of the first group of SCP colleges, this toolkit is designed to aid new and existing participants as they seek to guide students through the complexities of filing for federal financial aid in prison.

At one time, it was a common occurrence in U.S. prisons for incarcerated students to enroll in college with the support of Pell Grants, but since the passage of the Violent Crime Control and Law Enforcement Act of 1994, people in federal and state prison have been banned from receiving Pell Grants.⁵ As a result, college programs behind bars dwindled from the hundreds to a handful between 1994 and 1996.⁶ In the next 25 years, financial aid offices on college campuses adapted to the digital revolution and the changing policies surrounding financial aid eligibility and administration. When SCP colleges began their programs for incarcerated students in 2016, they found that many of the means their

on-campus students used to apply for financial aid—such as Internet access, telephoning, and written correspondence—were forbidden or highly restricted to students in prisons. Consequently, over the past four years, these colleges have developed strategies to meet the requirements of applying for financial aid, adapting their methods to the realities of a prison setting.

These lessons are timely—not only for the soon-to-be-selected colleges that will participate in the expansion of the SCP initiative, but also because support for broader access to postsecondary education in prison is gaining momentum in Congress. Today, Republicans and Democrats in both chambers have introduced legislation that would repeal the 1994 ban.⁷

At the same time, states have been moving ahead with programs to fund college for incarcerated students. California has been leading the way in creating viable programs to support postsecondary education in prisons after state statutory changes in 2014 cleared the way for community colleges to teach in state prisons. In a state where only one of 35 prisons offered a face-to-face college program at the time the legislation passed, 34 now offer full-credit degree-building courses. Almost 5,000 students are enrolled each semester.⁸ Other states have taken action, too, lifting restrictions on access to state-level aid or offering state funding to students in college programs teaching in prisons.⁹ In other states that have no barriers, colleges are beginning to work with state financial aid offices to assist incarcerated students in applying for state grants.¹⁰

Financial aid from both federal and state sources plays a vital role in sustaining postsecondary education for incarcerated students. This should not be surprising. Colleges and corrections agencies often cite lack of funding as the most significant barrier to offering higher education in prison.¹¹ Despite funding problems, corrections agencies recognize the importance of offering evidence-based programming—including in-prison postsecondary education programs—and often have statutory requirements to do so.¹² Studies provide ample evidence that these programs contribute to reduced recidivism among participants—by as much as 48 percent—and thereby improve public safety.¹³ Based on these findings, the U.S. Department of Justice rated education programs, including postsecondary education, as “promising” in its 2014 compendium of evidence-based practices.¹⁴

Although postsecondary educational programming benefits corrections agencies, colleges, and students alike, it presents challenges to prison and college administrators. It is important for financial aid and program administrators to understand the potential pitfalls of the system—more so now that additional colleges are poised to join the SCP initiative in 2020 and with the prospect of full reinstatement of Pell eligibility to all people in prison on the horizon. Equipped with this knowledge, colleges can help incarcerated students navigate the process, enroll in college, and unlock their potential.

This toolkit—drafted in collaboration with Chemeketa Community College, a SCP participant—includes a discussion of federal financial aid eligibility requirements that often stymie college students who are incarcerated: those having to do with Selective Service registration, issues with defaulted loans, crime-specific restrictions that may affect eligibility, and the documents that are required to obtain need-based aid. It also provides snapshots of creative and successful strategies to help students in prison to overcome these difficulties.

Section 1:

Understanding financial aid for postsecondary students in prison

For most incarcerated students—like low-income students everywhere—the availability of need-based financial aid is a determining factor in their ability to attend postsecondary education courses. Compensation for prison-based jobs is minimal, and incarcerated people tend to come from economically challenged families, meaning that students’ savings or wages and family resources to pay for college are scarce.¹⁵ Luckily for those who have access to a SCP college program, students in prison and their families are likely to meet the income requirements for need-based aid while they are incarcerated. They are also likely to be eligible after leaving prison.¹⁶

Federal Pell Grants

At more than \$28 billion total aid awarded for the 2017–2018 award year, federal Pell Grants are the largest source of need-based aid for postsecondary education aside from federal student loans (\$93.9 billion).¹⁷ Under some circumstances, Pell Grants are available to incarcerated students. For instance, if a student is incarcerated in a local, municipal, or county correctional facility or committed to a juvenile justice facility, and they otherwise meet the Pell Grant eligibility requirements, they can receive Pell Grants.¹⁸ If the student is incarcerated in a federal or state institution, they may receive Pell Grants only if the college is part of the SCP Experimental Sites Initiative.

A brief history of Pell Grants

The Higher Education Act of 1965 (HEA) is the federal legislation that governs what are now known as Pell Grants. Signed into law by President Lyndon B. Johnson, the HEA strengthened educational resources for colleges and universities and provided financial assistance for students enrolling in postsecondary education. The act provided federally funded need-based financial aid, grants, and student loans to offset the cost of attending college.^a

In 1972, Congress reformed sections of the HEA, establishing the Basic Educational Opportunity Grant (BEOG), with particular focus on providing more funding and attention to grants for students with financial need and those who “otherwise would not have the opportunity” to attend college, including incarcerated people.^b

BEOG was later renamed the Pell Grant after Senator Claiborne Pell of Rhode Island, who led the reform efforts.^c In 1994, the Violent Crime Control and Law Enforcement Act overturned a section of the 1965 Higher Education Act, prohibiting people incarcerated in state and federal prisons from receiving Pell Grants. In 1994, there were 772 college programs operating in more than 1,000 prisons. By 1997, there were just eight.^d

Two decades later, in 2015, ED announced a new experimental sites initiative, known as Second Chance Pell. This administratively authorized program temporarily lifts the ban on Pell Grants for a limited number of incarcerated people who wish to pursue postsecondary education in prison. In 2016, 67 colleges—in partnership with more than 100 prisons in 27 states—were selected to participate.^e In 2019, ED announced an expansion of the initiative to take effect in 2020.^f

^a Higher Education Act of 1965, Public Law 89-329 (1965).

^b U.S. Department of Education, Office of the Under Secretary, *Fulfilling the Promise, Serving the Need: Advancing College Opportunity for Low-Income Students* (Washington, DC: U.S. Department of Education, 2016), 2, <https://perma.cc/2GL3-L24D>.

^c The Pell Institute for the Study of Opportunity in Higher Education, “About Us: History,” <https://perma.cc/KUF9-CWYG>.

^d Gerard Robinson and Elizabeth English, *The Second Chance Pell Pilot Program: A Historical Overview* (Washington, DC: American Enterprise Institute, 2017), <https://www.aei.org/research-products/report/the-second-chance-pell-pilot-program-a-historical-overview/>.

^e The number has since been reduced to 64 colleges operating in 26 states. U.S. Department of Education, “12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs Through Education Department’s New Second Chance Pell Pilot Program,” press release (Washington, DC: U.S. Department of Education, June 24, 2016), <https://perma.cc/2DV4-6BJ5>.

^f U.S. Department of Education, Office of Federal Student Aid, “Invitation to Participate in the Second Chance Pell Experiment Under the Experimental Sites Initiative,” May 2019, <https://perma.cc/DVW5-PHRP>.

Pell Grant award amounts and allowable expenses

The Pell Grant amount awarded to a student is dependent on four criteria: the student’s Expected Family Contribution (EFC), the cost of attendance, the student’s enrollment status (full-time or part-time), and the portion of the academic year that the student plans to attend (full academic year or less).¹⁹ The maximum Pell Grant award for the 2019–2020 award

year was \$6,195.²⁰ In 2017–2018, the last year for which average grant award information is available, the maximum Pell Grant was \$5,920 and the average grant was \$4,010.²¹

Federal financial aid awards are based on financial need calculated as the difference between the cost of attendance and the student's EFC, prorated based on full-time enrollment for a full academic year. Students' EFC is assessed based on a formula provided in the Higher Education Act that uses their taxed and untaxed income, assets, benefits, and family size, as well as the number of family members attending college during the school year.²² The family may consist of students and their parents (if students are under 24 and do not qualify as independent students), students and their spouses with or without children, or students alone or with children. Pay received for work while incarcerated does not count as earned income for tax purposes.²³ (See Appendix B, "IRS records for independent or married students," for information about determining dependency status.)

Cost of attendance is an estimate of a student's educational expenses for the period of enrollment.²⁴ Expenses for students in the community normally include costs such as tuition and fees, books and supplies, transportation, and room and board, but the cost of attendance for incarcerated students participating in the SCP initiative (and incarcerated students in general) is limited to tuition, fees, required books, and supplies. While colleges may vary students' fees depending on their programs of study, they are required to charge incarcerated and nonincarcerated students

Residency requirements and impact on cost of attendance

A student must be a state resident to receive in-state tuition benefits at public universities and community colleges. This, in turn, influences the cost of attendance, which in the end may exceed the maximum Pell Grant award. This can cause incarcerated students to be priced out of attending college if they cannot receive the in-state rate for tuition.

State statutes generally outline residency requirements. Although these statutes vary, typically states' residency definitions have a durational requirement, and applicants must show that they or their parents have resided in the state

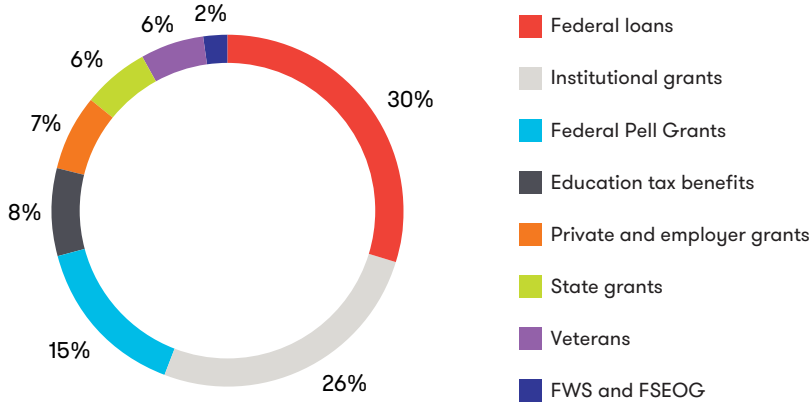
for the requisite period. Incarceration does not necessarily count toward this durational requirement.

In addition, each college financial aid office conducts its own analysis for all students to determine if they qualify for in-state tuition. This process is referred to as a domicile analysis. As part of this process, students may be asked to produce proof of address or demonstrate that they graduated from a high school in the state. This may be challenging for students who are currently incarcerated or who, prior to incarceration, did not have stable housing.²⁵

²⁵ Hobby, Walsh, and Delaney, 2019, 9.

the same amount for a given program. However, according to ED, a college may determine that its SCP program differs from the program it offers traditional students, even if the credits and courses are the same. Under those circumstances, the college can set up a separate tuition and fee structure for the prison program, provided that it goes through the appropriate accreditation process the college typically follows for new programs.²⁵

Figure 1
Student aid by type for all students



Source: Sandy Baum, Jennifer Ma, Matea Pender, and CJ Libassi, *Trends in Student Aid 2018* (New York: The College Board, 2018), 9, <https://perma.cc/U3YP-SRFZ>.

Forms of financial aid and funding other than Pell Grants*

Postsecondary education financial aid and funding comes from a variety of state, federal, private, and institutional sources. While Pell Grants typically make up the bulk of need-based aid, there are a number of other sources of aid and funding that may be available to offset costs of providing postsecondary education to incarcerated students.

- > **College financial aid.** Grant aid directly from colleges is the fastest growing source of funding for student aid, having grown 24 percent from the 2012–2013 award year to the 2017–2018 award year.^a At \$60 billion for 2017–2018, institutional grant aid—often aid awarded as a discount from published prices—is also the second-largest source of money behind federal loans and the largest source of student grants.^b While both public and private institutions tend to award this aid based on factors other than financial need alone, financial aid administrators should explore these potential sources of funding for incarcerated students.^c
- > **State financial aid.** Seventeen states and the District of Columbia have no statutory, regulatory, or policy barriers explicitly precluding incarcerated students from applying for state financial aid.^d Sixteen states bar students from at least one state-based financial aid program—leaving access to others within the state—and a few tie the eligibility for state aid to eligibility for Pell Grants, leaving a future opportunity open should Pell Grant eligibility guidelines change.^e These programs are usually strictly need-based, but a few have stipulations specific to other factors such as college enrollment status, grade-point average, prior foster-care involvement, or age.^f
- > **State allocations.** Although not a form of direct aid to students, colleges are funded through varying mechanisms that often include what are referred to as “state full-time equivalent (FTE) student enrollments.” This means that the college receives funding “per enrolled student” but, rather than counting heads, the funders count 15 credit hours as “one full-time student.” Many states allow public colleges to count incarcerated students toward their enrollment targets. Enrolling more incarcerated students, even if they are part-time students, creates a source of funding for state institutions as well as an incentive to grow prison-based programs to scale.^g

> **Federal aid and funding other than Pell Grants.**

Although incarcerated students are not eligible to receive federal student loans while confined in an adult correctional or juvenile facility, there are some sources of federal aid and funding other than Pell Grants that the federal government allows to support programming in prisons. They include:

- Workforce and Innovation Opportunity Act Title I funds, available for workforce-related training, although not as many correctional facilities use this source;^h
 - Carl Perkins grants (originally authorized under the Carl D. Perkins Career and Technical Education Act of 2006), available for career and technical education programs;
 - the GI Bill, which provides educational funding for qualified veterans;ⁱ
 - a limited number of Federal Supplemental Educational Opportunity Grants, which are available for high-need students;^j and
 - Federal Work-Study grants, which support students to function as tutors, teaching aides, and other jobs colleges could offer in prisons if they can overcome the inherent logistical challenges of offering such positions in a prison setting.^k
- > **State and federal foster-care tuition assistance.** Twenty-eight states provide tuition assistance programs for people who have been in the child-welfare system.^l The majority of these programs include a tuition waiver for qualifying students and are available to students who are currently incarcerated.^m In addition, the federal government funds an education and training voucher program for former and current foster-care youth that each state manages.ⁿ The program provides up to \$5,000 of funding per student per year to aid with tuition, books, fees, and other living expenses.^o Because each program has specific eligibility requirements beyond need, such as age limits or requirements around how long students have to apply after high school graduation, not all incarcerated students will qualify for these funds.

* Box notes at end of report.

Section 2:

Recruiting students in prison and screening for eligibility

To build successful in-prison postsecondary education programs and maximize their many potential benefits for students, college administrators and their corrections partners must focus on recruiting students into their programs. Establishing strong relationships with Adult Basic Education and General Education Diploma (GED) instructors and administrators is critical to building a pipeline of students into postsecondary education programs. Some colleges capture the attention of potential students even earlier by incorporating information on their programs into the prison intake process. To lend credibility to their programs, colleges should consider involving current and former students in recruitment efforts, such as during recruitment sessions or by sharing information with their peers.

Recruitment is also where the eligibility screening process can begin. By informing potential students early on about eligibility requirements, such as those for a Pell Grant, they can begin to address any resolvable barriers, for example, those discussed in “IRS records for independent or married students” in Appendix B. Moreover, a transparent process outlining the specific challenges people in prison face when enrolling in college and securing financial aid will help sustain potential students’ interest and improve their chances of gaining admission with the aid they need to pay for their program.

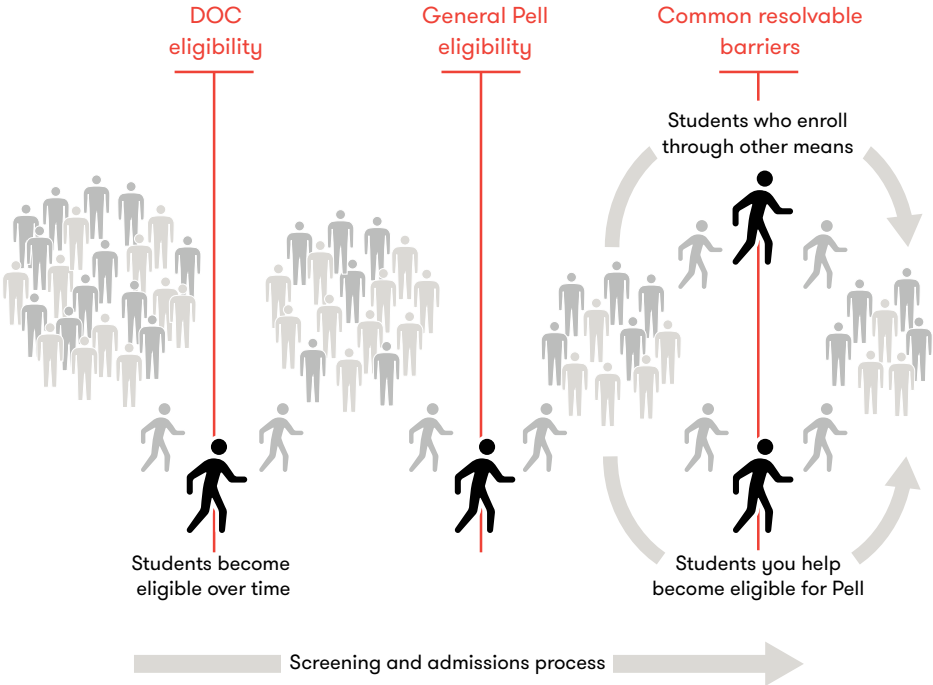
Corrections institutions and eligibility

College administrators should have frank conversations with corrections administrators about the eligibility requirements that students must meet to participate in the program and the role corrections administrators must play in the screening process and helping students resolve barriers

to eligibility, such as those talked about in Section 3. Corrections administrators should in turn be clear with college staff about the agency’s requirements for incarcerated people’s participation in such a program. For example, college staff should learn if a correctional facility requires a person to be within a certain time of release, have a record clean of disciplinary infractions, be assessed at a certain security level, or otherwise be cleared to participate in a program that engages people who work outside the prison.

Understanding what parameters each institutional partner is setting on eligibility to participate is critical to designing an effective workflow and processes. This mutual understanding will also aid subsequent discussions should too few students meet all requirements or should either partner want to expand the program. The college and the corrections agency should memorialize these parameters in memoranda of understanding.²⁶

Figure 2
Student eligibility screening workflow



Pell Grant eligibility criteria

All students, whether incarcerated or attending college in the community, must meet certain criteria in order to be eligible for a Pell Grant.^a Briefly, to qualify, an applicant must:

- > be a U.S. citizen or eligible non-citizen;
- > have a valid Social Security Number or an Alien Registration Number (unless exempt);^b
- > not have previously been awarded a bachelor's, graduate, or professional degree;
- > be an undergraduate student enrolled full-time or part-time;
- > show qualification to obtain a college education (high school equivalency);
- > not have a federal student loan in default or owe money on a federal student grant;
- > have registered for Selective Service by age 26 (for men only); and
- > be able to demonstrate financial need.

^a U.S. Department of Education, Office of Federal Student Aid, "Basic Eligibility Criteria," <https://perma.cc/K3UC-ZMCF>; and U.S. Department of Education, Office of Federal Student Aid, *2019-2020 Federal Student Aid Handbook: Volume 1-Student Eligibility* (Washington, DC, 2019), <https://perma.cc/LM74-YH8U>.

^b Eligible non-citizens may sometimes only have an Alien Registration Number. This typically starts with an "A" and is on a I-551 (Permanent Resident Card or Resident Alien Card). Prior to June 1978, an I-151 was issued to permanent residents. As of March 20, 1996, the I-151 is no longer acceptable to U.S. Citizenship and Immigration Services as evidence of permanent resident, but it may be used to receive Federal Student Aid (FSA) funds. For other types of eligible non-citizens and required documentation, see U.S. Department of Education, Office of Federal Student Aid, *2019-2020 Federal Student Aid Handbook: Volume 1-Student Eligibility* (Washington, DC, 2019), ch. 2, 27-54, <https://perma.cc/LM74-YH8U>.

Correctional facility requirements do not supersede the requirements for administering the SCP grant. For example, while a correctional facility may not place restrictions on the release dates for educational program participants, SCP grant regulations require that participating colleges disburse Pell Grant funding only to otherwise eligible students who will eventually be eligible for release from the correctional facility (that is, no one who is serving life without parole or a death sentence), while giving priority to those who are likely to be released within five years of enrollment in the educational program.²⁷

Screening students for eligibility

Colleges can establish initial screening procedures to identify circumstances that disqualify potential students from receiving Pell Grants, such as those outlined in "Pell Grant eligibility criteria" above, allowing them to notify those who cannot receive a Pell Grant of their status immediately, rather than after the application process. Doing so will also allow colleges with private, philanthropic, or institutional funding resources to marshal funds for scholarships to cover as many of those students as possible. If the college has no other funding source, this screening offers an early opportunity to talk with students about other possible payment options for postsecondary study, including self-payment.

Ability to Benefit option for students without a high school diploma or GED

Ability to Benefit, a provision in the federal Higher Education Act, allows a student in prison or in the community who is without a high school diploma or equivalency to receive federal financial aid to pay for postsecondary education and training if they are enrolled in a career pathway program.^a

- › a student must complete six credits (or equivalent) applicable toward a degree or certificate;
- › a college can administer an ED-approved exam to determine whether the student can benefit from the education offered at that college; or

If a student does not have a high school credential and chooses to enroll in a career pathway using Ability to Benefit, there are several options to receive federal financial aid through this program:^b

- › the student can complete a state-designed process if it is approved by the U.S. Secretary of Education.

^a Eligible Career Pathway is defined by ED as a program that “combines rigorous and high-quality education, training, and other services that align with the skill needs of industries in the economies of the state or region; prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships; includes counseling to support an individual in achieving education and career goals; includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster; organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable; enables an individual to attain a high school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and helps an individual enter or advance within a specific occupation or occupational cluster.” See 20 U.S.C. § 1091(d)(2).

^b Students who previously enrolled in a postsecondary program of study before July 1, 2012, are not required to enroll in a Career Pathway in order to be eligible for aid through Ability to Benefit. Center for Law and Social Policy (CLASP), *Ability to Benefit: Understanding it and Implementing it at Your Institution* (Washington, DC: CLASP), <https://perma.cc/9SWD-ZUZK>.

In addition to criteria outlined in “Pell Grant eligibility criteria,” page 11, Pell Grant applicants must meet a few criteria related to criminal convictions and sentence types, whether or not they are currently incarcerated. To be eligible, Pell applicants:

- › must not have been found guilty of drug possession or sale charges while receiving federal financial aid in the past (see “Drug convictions and Pell eligibility,” page 13);²⁸
- › must not be serving a sentence of life without parole (LWOP) or a death sentence;²⁹ and
- › must not have been (1) convicted of a forcible or non-forcible sexual offense, and (2) be currently subject to involuntary civil commitment following the completion of a criminal sentence.³⁰ A person who may later be subject to civil commitment would still be eligible for SCP grants during a prison sentence.³¹

Applicants can overcome some of these potential impediments and restore their Pell eligibility. For example, a student deemed ineligible because of a drug possession conviction can regain eligibility by completing an approved drug rehabilitation program or by passing two unannounced drug tests (see “Drug convictions and Pell eligibility,” page 13).

Drug convictions and Pell eligibility

Students who have been convicted of possession or sale of drugs are prohibited from receiving a Pell Grant only if the student committed the crime while receiving federal financial aid (the date of conviction is irrelevant to this calculation).^a

Once convicted, the person's length of suspension from financial aid eligibility is generally based on the number of

times they have been convicted of a drug-related offense and the type of offense. Loss of eligibility is determined from the date of conviction. If a student is convicted of both possessing and selling illegal drugs, they will be ineligible for the longer of the suspension periods.

Figure 3
Length of suspensions for drug-related offenses

Number of offenses	Possession of drugs	Sale of drugs
First offense	One-year suspension from date of conviction	Two-year suspension from date of conviction
Second offense	Two-year suspension from date of conviction	Indefinite suspension
Third offense and beyond	Indefinite suspension	Indefinite suspension

Source: U.S. Department of Education, *2019-2020 Federal Student Aid Handbook*, vol. 1, 2019, 20.

A student regains eligibility the day after the period of suspension ends for either type of drug-related offense. A student who completes an approved drug rehabilitation program or passes two unannounced drug tests can end a period of suspension early for either type of drug-related offense. They can complete either of these requirements while incarcerated. Cases involving drug trafficking are exceptions to these rules. If a student is convicted of trafficking illegal drugs, the judge overseeing the case has discretion to permanently bar them from receiving federal benefits such as federal student aid, even if the student committed the crime when not enrolled in college. In this case, the student must appeal to the judge for removal of this restriction.

Because students often incorrectly answer “yes” to this question on the FAFSA, financial aid administrators should talk with students to ensure they understand the specific circumstances that require an affirmative answer. These specific circumstances are as follows:

- > Scenario where a drug-related offense would count toward a student's eligibility. A student is arrested in February for possession of a controlled substance. During that time, the student is enrolled at college and receiving financial aid. The student is convicted in July and not currently enrolled in college for the summer break. In this case, the student's conviction would count toward future eligibility because the crime occurred while the student was enrolled and receiving federal student aid.
- > Scenario where the drug-related offense would not count toward a student's eligibility. A student is arrested in July for sale of a controlled substance. The student is not currently enrolled or receiving financial aid because she is on summer break. The student is later convicted of the crime in February while she is enrolled in college for the spring semester. This conviction would not count toward the students' future eligibility because she was not enrolled in college when the crime was committed.

^a U.S. Department of Education, *2019-2020 Federal Student Aid Handbook*, vol. 1, 2019, 20.

ED also requires that colleges participating in the SCP initiative prioritize recruitment of students who are likely to be released from prison within five years of starting the course of study.³²

During the screening process, financial aid administrators can take further steps to assess likely eligibility and provide guidance to students who may need to do more to qualify for aid, including:

- › checking the National Student Loan Data System (NSLDS) for federal loans in default or Pell overpayments (see Section 3);
- › checking the status of Pell Lifetime Eligibility Usage (LEU) in NSLDS (see Section 4);
- › checking Selective Service registration for male students (see Appendix B); and
- › checking program eligibility by reviewing each student's release date, high school credential, and any other eligibility requirements.

With each of these items, college administrators should prepare materials and train their staff on how to counsel students in prison on resolving these issues early in the process or how to pursue postsecondary education if these issues are not resolvable. This is particularly important for resolving defaulted student loans, which can take nine months or more.

For the details of these requirements and the complexities of incarcerated students' circumstances, see "Incarceration and the FAFSA," Section 3.

Lessons from the field: Problems obtaining transcripts

Some colleges have experienced challenges getting high school and college transcripts on behalf of incarcerated students. Locating the institutions, paying fees, or overcoming institutional holds for unpaid debt are common barriers when seeking transcripts. It is also a time-consuming process that varies by state and institution. Without online access, incarcerated students will need help completing this process.

- > **Fees.** Although the cost is often less than \$10, incarcerated students are usually not in a financial position to pay for an official transcript. In some cases, corrections departments have covered the cost in order to have the documentation on file. In other cases, colleges have set up funds through private sources or absorbed the cost into the program to cover transcript fees. It is also possible to build in a fee structure, charged to Pell-eligible students, where students use their Pell Grant to pay for these types of expenses.
- > **Payment methods.** Transcript clearinghouses, such as the National Student Clearinghouse, generally accept credit cards only. Because incarcerated people do not have access to credit cards, they cannot pay these fees. Colleges should work with their business offices and with corrections staff to see what options exist for students who do not have a family member willing to pay the

fee with a credit card and to establish a procedure for handling payments to transcript clearinghouses should this issue arise.

- > **Institutional holds.** Sometimes the colleges incarcerated students previously attended have placed holds on releasing transcripts because of unresolved student debt. Some college-in-prison program administrators have succeeded in contacting these institutions and requesting forgiveness of the debt in consideration of the student's incarceration status or other hardships. Otherwise, such holds can become a permanent barrier to transferring previously earned college credits.
- > **Third-party ordering.** Some transcript ordering services, like Parchment, have systems in place to allow college administrators to order educational records on behalf of the student. As part of the process, administrators must upload a completed student consent form. The request is then sent to the college where the records exist. That college then uploads the records through the Parchment system to the destination specified. However, at this time, some colleges do not allow this type of third-party request, making it more difficult to obtain transcripts.⁹

⁹ Parchment, "Order on Behalf Of Others," <https://perma.cc/35LH-49WX>.

Section 3: The Free Application for Federal Student Aid (FAFSA) in prison: Learning from Second Chance Pell

Most financial aid programs—even those administered by state government—determine student eligibility at least in part using the FAFSA.

The Higher Education Act Amendment of 1992 created the FAFSA to determine eligibility for federal financial aid programs, including Pell Grants, Supplemental Educational Opportunity Grants, and Federal Work-Study.³³ Any student requesting federal financial aid must complete a FAFSA. Often, states also require the FAFSA as part of the eligibility determination process for state financial aid.³⁴ The FAFSA is the tool for collecting the information necessary to determine financial aid award amounts, which are based on the difference between cost of attendance and expected family contribution. These factors make the FAFSA a crucial element in accessing need-based financial aid for nearly all students.

This section presents solutions to the most common challenges program administrators, financial aid staff, and students completing the FAFSA in prison face, such as demonstrating Selective Service registration, addressing student loan defaults, or securing tax documentation.

Incarceration and the FAFSA: Standard requirements are more difficult to complete in prison

Like students in the community, incarcerated students must complete all sections of the FAFSA. There are challenges to filing a FAFSA that, while not unique to students in prison, incarceration exacerbates. The FAFSA form itself is also burdensome—it is lengthy and complicated. This section will provide examples of how various programs have successfully overcome or reduced the burden of these challenges.

- › **Selective Service requirement.** With very few exceptions, male financial aid applicants are required to register for the military draft with the Selective Service System by age 26. Failure to register can make them ineligible for certain federal benefits, such as student financial aid. Thirty-one states have also adopted this requirement for their financial aid eligibility.³⁵ For a variety of reasons, including repeated incarcerations (men in prison are exempt from registering), homelessness, and family instability, many incarcerated students have not registered with the Selective Service.³⁶ Although men who are under age 26 can still register and become eligible for financial aid, others who are 26 or older must go through an appeals process with the college financial aid office to explain extenuating circumstances that prevented their enrollment by the age deadline. For details on this process, see Appendix B.
- › **Income tax verification.** Income tax verification for students, their spouses, or their parents can be a major challenge. Incarcerated people do not routinely file taxes, and earnings received for work while incarcerated do not count as “earned income” for tax purposes.³⁷ There are questions on the FAFSA that help determine whether a student is independent, and dependency status determines whether tax and other information from their parent will be required.

Many SCP colleges find it challenging to gather necessary records once a status of “dependent” is determined. Incarcerated people often have limited or no access to their personal financial records. In addition, incarcerated students may find it difficult to collect documents from spouses and parents as a result of communication hurdles, frayed relationships, and other complications. Finally, the Internal Revenue Service’s (IRS’s) permissible methods for accepting requests for tax records often are inaccessible to people in correctional facilities who have no Internet access, restrictions on receiving federal government mail, or who may suffer from incorrectly addressed mail that correctional facilities will not deliver, making it extremely difficult to obtain records. Even when incarcerated students can gather these records, the time it takes them to request and receive paper records is itself a barrier. For details on determining tax status and obtaining IRS records, see Appendix B.

- › **Defaulted student loans.** Incarcerated students, like all other federal student loan borrowers, are expected to maintain their existing loans in good standing while incarcerated. An individual with a loan in good standing may qualify for an income-driven repayment (IDR) plan. Under one of these plans, borrowers may qualify for reduced or zero-dollar payments, depending on their financial circumstances. By using these payment plans, borrowers may eventually pay off their loans or have remaining debt forgiven depending on which plan is chosen.³⁸

Because of lack of income, difficulty contacting loan holders, and other challenges (few incarcerated people are counseled on financial matters while in prison, particularly at intake when many student loan defaults could be prevented), incarcerated students may have their loans fall into default during their time in prison. Students currently in default must address the default before they can receive federal aid such as Pell Grants. Many states have also incorporated this requirement into their financial aid programs.³⁹

Even if they have the resources to make payments, incarcerated people may struggle to contact the loan holders while they are in prison, where pay phones (which cannot receive call-backs) and regular mail may be the only available means of communication.

Some colleges have helped incarcerated students overcome these difficulties and get their student loans out of default by assisting them to set up monthly payment plans with the loan service providers. But there are numerous barriers to this kind of solution for incarcerated students: they are barred from using loan consolidation to resolve defaulted loans, and many states have policies that limit the ability of incarcerated people to enter into contracts, making it more difficult for colleges and universities to assist their students.⁴⁰ During the planning stages, postsecondary education and corrections partners should discuss any agency policies related to contracts and how these policies might apply to attempts to resolve loan defaults before they have identified any student who has defaulted. See Appendix B for detailed instructions.

- › **Pell overpayments.** Although much rarer than defaulted student loans, some students may have received overpayments for Pell Grants in the past that have not been resolved. Overpayment occurs when a Pell Grant payment has been issued for more than the amount the student is eligible for. This can happen for a number of reasons, including students withdrawing from a class, dropping the program, or making a mistake on the FAFSA. These issues are usually resolved at the time they occur. When they are not, the overpayment can become a debt the student must repay to be eligible for federal student aid. Unresolved debt owed by the student is eventually turned over by the college to ED's Default Resolution Group for collection. Pell overpayment debt is treated similarly to a defaulted student loan in the way it is collected, including allowing payment plans. Unlike loan rehabilitation, however, the student must pay the entire amount before becoming eligible for federal student aid.⁴¹

- › **Verification.** “Verification” is a process ED uses to help identify erroneous or missing information from students’ FAFSA applications. When ED selects a student for verification, the college is required to verify specific information according to ED’s instructions. Early in the SCP initiative, participating colleges found that ED selected incarcerated students for verification at higher-than-average rates. In the pilot’s first year, ED selected as many as 76 percent of incarcerated people for verification. In the second year, this number dropped to about 59 percent, which was more consistent with the number of nonincarcerated students selected for verification, around 53 percent that year.⁴² The reduction resulted from ED modifying its verification process to account for the influx of applications from incarcerated students with unique circumstances—such as multiple applications from the same address—that in the past had tended to trigger verifications.
- › In the first year of the SCP initiative, college administrators found the verification process time-consuming because of the extra trips to the prison it could require and the variety of supplemental documentation students may need to meet verification requirements. Based on that experience, some SCP colleges began collecting the full spectrum of verification items at the start of the FAFSA process in case they would need them later. After ED sent its requests for verification, the colleges would destroy any documentation on file that was not requested in order to meet record-keeping and student privacy policies.

Strategies for managing communication between colleges and incarcerated students

Developing a workflow that builds in enough time for incarcerated students to gather the necessary documentation for filing a FAFSA before a given semester starts will help to set expectations and requirements, streamline prison visits from financial aid staff to collect paperwork, and give students time to overcome common hurdles to completing the paperwork and signing up. It is important to communicate with students throughout the aid

application process to keep them informed about what they will confront. However, communication is challenging for a number of reasons.

Communication barriers. Incarcerated students may struggle to communicate with financial aid offices in order to complete application processes. Many colleges, including their financial aid offices, communicate entirely by e-mail or through online portals, neither of which is freely available to most incarcerated students, especially before they are enrolled. It is important to be as transparent as possible with students about what they should expect during the process, including how communication barriers will create extra hurdles. Some college-in-prison programs have hosted financial aid advising sessions with prospective students to inform them of the communications challenges they face and identify workarounds for these institutional hurdles. For example, many standard financial aid forms, including the Status Information Letter and the FAFSA, have no identifiable field in which students can enter their State Identification Number (SIN), the number assigned by the state corrections department. Some colleges advise students to write their SIN on the address line of any forms they complete to improve the odds that they will receive mailed correspondence. It is good practice to contact administrators at each facility to make sure mail rooms agree to these strategies and develop procedures to make sure students successfully receive their mail. Another communication challenge is when students do not have the ability to call toll-free phone numbers and the agencies with whom they must communicate, such as loan servicers, have only toll-free phone numbers.⁴³ Administrators should be prepared to spend time with those students, making the necessary calls to get them eligible for federal student aid.

Lessons from the field: Release of information forms

Because incarcerated students encounter a variety of challenges filing the FAFSA as a result of their limited communication with the outside world, some SCP colleges have found it helpful to create a Family Educational Rights and Privacy Act (FERPA) Release of Information form their students can complete to designate a family member to receive access to some of their educational records. Although it is advisable that all communications with people outside

the prison (such as spouses and parents) directly involve students whenever possible; college staff capacity, contact rules, and distance between the college and prison may prevent this from happening on a regular basis or in a timely manner. With a FERPA release form, a student can designate a family member to interact with college staff and help them obtain the documentation necessary to file a FAFSA or gain admission to the college. (See Appendix A, Example 3.)

Lessons from the field: Methods of completing and filing the FAFSA

It is critical to have knowledgeable staff host meetings in prison to assist students with completing the FAFSA form. There are several options for filing FAFSA depending on what resources incarcerated students have available:

- › On paper and sent directly to ED (students should write their SIN on the address line).
- › On paper and sent to the college financial aid department where it is manually entered via the Financial Aid Administrator Access online system. The college then keeps the paper copy for documentation.
- › Online at the prison by students. (Online filings require an Federal Student Aid (FSA) ID, which is only obtainable with a valid email address. The college would have to create individual email addresses for all FAFSA applicants. Alternatively, students can sign a signature page in place of the required FSA ID that later gets mailed to ED.)
- › Online at the prison by college staff with a signature page sent to ED afterward.

(Note: Colleges should remember to adhere to records management requirements for Title IV documentation.)

Lack of Internet service. Although it is easier—and increasingly common—to file the FAFSA online, most incarcerated students do not have Internet access, leaving them with no other option but to complete the paper version. SCP colleges and universities therefore must help incarcerated students submit paper applications by providing forms for students to request tax information or manually inputting student application data into the Federal Student Aid’s online central processing system. Even seemingly simple matters like the color of ink the student uses to complete the form can become complicated if the prison has limits on writing implements. Although the FAFSA states “black ink only,” any color ink or pencil is acceptable as long as the application is legible, and the college intends to collect the application from the student and input it into Federal Student Aid’s online central processing system. However, if the college intends to mail the application to ED for processing, students must use black ink, unless the college has received special guidance from ED stating otherwise.

Section 4:

Guiding incarcerated students through college, maintaining their Pell eligibility, and facilitating continuing education post-release

Once incarcerated students have been approved for Pell Grants, they must continue to meet the grant requirements outlined above. For example, students must repeat the FAFSA process every year. It is therefore essential for program administrators to help them navigate the system. To that end, program administrators should be aware of and inform students of changes in circumstances that can affect students' eligibility for Pell Grants during the current and future enrollment periods—such as enrollment procedures, class withdrawals, transfers to different prisons, grade point average, and lifetime Pell eligibility limitations. Administrators should talk with students about how these rules affect them and have procedures in place for handling unexpected changes in students' circumstances, such as transfers to other prisons, working with prison officials to place academic transfer holds, or aligning a student with other educational opportunities if possible. As part of students' reentry counseling services, administrators should inform them about how to continue their education after they are released from prison, including being re-admitted to the college, if necessary, completing change of campus forms, or applying for admission at a different college.

Changes in enrollment status

Incarcerated students often face circumstances that are beyond their control, making it impossible to attend their classes temporarily—or sometimes permanently. These instances include, but are not limited to, an incarcerated student being transferred to another facility mid-semester, an unexpected release from prison (receiving a parole date or program discharge), long-term facility lock downs, or disciplinary infractions that result in housing status changes. When such events occur, it is important for the student to communicate with college staff when possible to inform them of the situation and seek guidance on resolving financial aid issues. Circumstances that result in a change of enrollment status, such as withdrawing, reducing course load, or removal from classes, can result in a change in a student's financial aid eligibility and thus may require a repayment of disbursed funding. This is the case for all Pell grantees, but incarcerated students face these unanticipated changes of circumstance more frequently and need help in navigating the effect on their college status. For example, if an incarcerated student withdraws from a class after a Pell Grant has been disbursed, the academic institution must determine if the student must repay any portion of the award money. This is a process done by each college's financial aid office and is referred to as Return of Title IV Funds or R2T4 for short. Additionally, once the award is disbursed, it will count against the student's Lifetime Eligibility Used (LEU) whether or not the student attends the courses for which the award was granted or receives credit for them.⁴⁴ College-in-prison program coordinators should work with financial aid offices to understand and inform students of their academic institution's protocol when these types of situations arise. Colleges should work with corrections partners early in the partnership to make sure they understand when and how the colleges will be notified if a student is going to be transferred or released and establish a procedure for handling these situations that ensures continuity of education whenever possible and students do not end up with Pell overpayment debts they are unlikely to be able to repay.

Maintaining satisfactory academic progress

Failure to meet one or more of the established standards of satisfactory academic progress (SAP) will make a student ineligible for financial aid. Based on federal guidelines, the college in which the student is enrolled determines the SAP requirements, including a time-based and a grade-based component for example, earning a minimum number of units for credit per semester (Pace of Progression) and meeting a minimum cumulative grade point average requirement (GPA).⁴⁵ In addition, a student who exceeds 150 percent of the published length of the degree program (Maximum Time-Frame Allowance) cannot receive federal aid. For example, if the number of credit hours required for a degree program is 120, a student is eligible to receive aid for up to 180 credit hours.⁴⁶ Students can appeal Maximum Time-Frame Allowance limitations through their college's financial aid office. College-in-prison program directors should be aware that the college's financial aid office will have a process for adjudicating whether a student has legitimate grounds for appeal, such as demonstrated need for more developmental courses, changes in major, or a reasonable path to completion.

Lifetime Eligibility Used (LEU)

Federal law limits the amount of federal Pell Grant funds a student may receive in their lifetime to the equivalent of six years of their scheduled awards, including the grants they may have received as part of SCP. Scheduled awards are the maximum a student would be able to receive for the award year if they were enrolled full-time for the full school year and represent 100 percent of their Pell Grant eligibility for that award year.⁴⁷ Since the maximum scheduled award a student can receive each year is equal to 100 percent, the six-year equivalent is 600 percent.⁴⁸

LEU percentage is calculated proportional to the amount used. For example, if a scheduled award for the academic year is \$5,000, but the student only uses \$1,000, they would be using 20 percent of the LEU. Conversely, if a scheduled award amount is low because of the low cost

of attendance (perhaps because tuition is paid for through other means) and a student uses all of it, they are still in effect using 100 percent of the LEU. For example, if the scheduled award is \$500 and the student uses \$500 on books and supplies, that still equates to 100 percent of the LEU, despite being a relatively small award.⁴⁹ This is something financial aid administrators should counsel students to consider to ensure they are making informed decisions on the use of their lifetime Pell eligibility.

Accessing postsecondary education after release

All formerly incarcerated people can access Pell Grants after prison, as long as they meet the few eligibility requirements described above that relate to convictions as well as general Pell requirements. Many other forms of financial aid may be available for the student as well, including the possibility of federal student loans. Although 14 states have restrictions on state financial aid that extend beyond incarceration—some limited to specific crimes and time frames and others with blanket lifetime exclusions—all other states have no limitations based on prior incarceration.⁵⁰

It is important that prison education coordinators work with incarcerated students who wish to continue their education prior to their release to connect them to colleges in their community. This assistance can range from advising them on transferring earned credits toward other programs at institutions in their communities to finishing programs they were unable to complete while still incarcerated, including offering online options for distance learning. More than likely, the student will have to reapply for admission or file a change-of-campus form. Anticipating barriers that may arise for students and beginning to address them before they leave the prison will help ensure a smoother transition into the community and further education.

College administrators should also work with appropriate college offices to remove barriers for students returning from prison to take classes on campus, such as removing criminal background check boxes on admissions applications, encouraging and supporting students to create formerly incarcerated student support groups, and connecting students

to the appropriate available campus services to increase the likelihood of success. In some cases, corrections departments may have no-contact rules that forbid formerly incarcerated students and the college staff who worked with them in the prison from having any contact with each other. College staff should ensure they follow these rules while still finding ways to support students who plan to access services or education on their campuses on release, such as designating other campus-based staff to work with those students.

When a student is released from prison during an award year, they will not have to complete the FAFSA again until the next award year, but the college's financial aid office should be informed by the student or college administrator of a student's release to ensure any special restrictions related to financial aid for incarcerated students are removed from student accounts and cost of living adjustments can be made. Such students may be eligible for other types of previously restricted aid, including loans; receive refund checks; and use Pell funds for costs restricted under SCP (such as housing). Students intending to transfer to a different college upon release from prison need to complete a new FAFSA and make sure to list the intended college, which will be notified about the student's Pell Grant eligibility via the Institutional Student Information Record. Because starting this process prior to release can be difficult without Internet access, college-in-prison program administrators should make sure that they assist the student in mailing a signed paper copy of the updated Student Aid Report.

Conclusion

Postsecondary education opportunities in prison are broadly beneficial—for college and corrections partners, but, more important, for incarcerated individuals, their families, and their communities. Postsecondary education in prison has been found to have multiple positive outcomes related to safety, employment, taxpayer savings, community revitalization, and personal redemption and hope.⁵¹

Despite the indisputable evidence of higher education's value for incarcerated people and society generally, the existing limits on financial aid resources for people in prison such as the Pell Grant mean that at present most will not have the opportunity for a higher education. And even for those who qualify for Pell Grants under the SCP initiative, bureaucratic impediments to administering Pell Grants in prison strain the capacity of college financial aid offices and prison education coordinators.

As Pell Grant access begins to expand to include more people in prison—and may eventually become a viable means for all incarcerated people to gain access to postsecondary education—it is critical for college-in-prison program administrators and financial aid staff alike to strengthen their skills and build their capacity as advocates for incarcerated students. Equipped with the information in this toolkit, academic and financial aid administrators building a college-in-prison program under the next phase of the SCP initiative can avoid the pitfalls that most programs in the first group of SCP colleges spent many months navigating. By making the necessary modifications to financial aid application procedures and building the right relationships in the college and the prison to create smooth processes, this new cohort of colleges can reduce their workloads, lessen frustrations for administrators and students, and have as many incarcerated people as possible on their way to a brighter future.

Appendix A

Innovative solutions to guiding Second Chance Pell students through the financial aid process

This appendix contains examples of information collection, dissemination, and guidance forms that colleges in the SCP initiative have created to ease some of the burden of processing student financial aid and admissions within a prison setting. Although each college and prison is unique, and therefore requires its own processes, these innovative approaches should help inspire ideas that colleges can use to create a process that is as smooth and efficient as possible.

Example 1: Application packet contents – Glenville State College, Glenville, West Virginia

As part of its orientation event at the prison, Glenville State College (GSC), a SCP-participating college, distributes an information packet to interested incarcerated students, including a guide to applying for financial aid. At the event, college representatives describe eligibility requirements, how to overcome eligibility barriers, and expectations for the process and the program, and then they share the information listed below with students. After the orientation, college representatives return to collect the forms outlined below, assist students in finishing forms they have struggled to complete, and discuss any additional paperwork they might need to gather to complete the FAFSA. Glenville introduced this practice after finding that many students became frustrated by the number of times they were being asked to sign various forms throughout the process. Providing a comprehensive packet of forms and explanatory material at the beginning of the process helped GSC set expectations up front about what applying would be like and increase the likelihood that financial aid staff could gather all documentation necessary for the processing of financial aid at the outset, which reduces the number of visits to the prison later and saves time. The packets are now kept in the facility library to allow access as needed, which also helps with recruitment efforts and efficiency.

The packet contains forms designed for the college-in-prison program as well as standard GSC forms and governmental forms such as the FAFSA or the IRS 4506-T, including:

- › a statement of general eligibility requirements (both Pell-specific and institutional);
- › a questionnaire about previous college experience and career interests;
- › an application for admission to Glenville State College;
- › a FERPA rights and information release form (Example 3 below);
- › a Request to Prevent Disclosure of Directory Information form;
- › a FAFSA form (prefilled where appropriate, such as the address of the college);
- › an Independent Student Verification Worksheet;
- › a Request for Status Information Letter form (available at www.sss.gov);
- › request for Transcript of Tax Return form (IRS Form 4506-T);
- › alternative letter of non-filing form;
- › checklist of required documents; and
- › a FAQ form.

Example 2: Family Educational Rights and Privacy Act (FERPA) release of information form – Glenville State College

Because incarcerated students encounter a variety of challenges filing the FAFSA as a result of their limited communication with the outside world, some SCP colleges have found it helpful to create a FERPA Release of Information form their students can complete to designate a family member to interact with college staff and help them obtain the documentation necessary to file a FAFSA or gain admission to the college. Often, the college has a FERPA Release of Information form that students use on the main campus, and it may not be necessary to create a new one.



**FERPA: Family Educational Rights and Privacy
Act Release Form (RO-06/18)**

Registrar's Office 200 High Street, Glenville, WV 26351 304-462-4117 Fax 304-462-8619 registrar@glenville.edu

Student Name: _____ **GSC ID#:** _____

This form is to be used for the purpose of assigning rights of access to your Glenville State College education records under the Family Educational Rights and Privacy Act of 1974, commonly known as FERPA or the Buckley Amendment. FERPA is a federal law that protects the privacy of student education records.

Glenville State College is bound by FERPA in matters pertaining to rights of access and the disclosure of information in your educational records. Subject to FERPA requirements and provisions, the College may provide access to said information in accordance with your declaration, as indicated below. (NOTE: Your declaration on this form will take precedence in any instance of a conflicting declaration made by you on other GSC forms.)

Please check the applicable statement below, then sign, date, and submit this form to the Office of the Registrar.

I consent to release or disclose my education records to the recipient(s) below.

TELEPHONE/E-MAIL ACCESS PASSWORD: A FERPA password must be used by the individuals named above when requesting information via phone or e-mail. Access will not be permitted over the phone or e-mail without this password. **It is suggested you do not use your birth date, SSN or GSC ID#.** Your password can be any combination of letters, numbers or symbols.

FERPA Password: _____

I understand that (1) I have the right not to consent to the release of my education records; (2) I have the right to inspect and review such records upon request; and (3) this consent to release or disclose shall remain in effect for my entire enrollment period at Glenville State College unless revoked by me by submitting a FERPA Revocation Form.

Student Signature

Date



POLICY ON FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (RO – 1/19)

The Family Educational Rights and Privacy Act (FERPA) affords students (and in some instances parents of dependent students) certain rights with respect to their educational records. They are:

(1) The right to inspect and review the student's educational records within 45 days of the day Glenville State College receives a request for access; (2) the right to request the amendment of the student's educational records that the student believes is inaccurate or misleading; (3) the right to consent of disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorized disclosure without consent; (4) the right to file a complaint with the U.S. Department of Education concerning alleged failures by Glenville State College to comply with the requirements of FERPA.

Glenville State College has designated, in accordance with FERPA, the following categories of releasable information about students as "directory information". Directory information can be released by the College without the consent of the student. If a student does not wish for the release of "directory information", the student must submit a signed "Request to Prevent Disclosure of Directory Information" form to the Registrar's Office.

Directory information is: 1) Name; 2) address; 3) telephone number; 4) date of birth; 5) GSC email; 6) grade level; 7); field of study; 8) photograph; 9) enrollment status; 10) degrees and awards received; 11) participation in officially registered activities and sports; 12) weight and height of members of athletic teams; 13) dates of attendance; 14) schools attended.

FERPA FORMS AND DIRECTIONS

FERPA: Family Educational Rights and Privacy Act Release Form

This form is required if you wish someone other than yourself to have access to your education records. Complete form with your full name and GSC student ID#. Acknowledge consent of release of education records by checking box. Enter names of individuals or agencies you are giving consent to have access to your records. Form will not be processed if the box is checked and no recipients are listed. You must also include a FERPA password or access to your records to any recipients listed will not be permitted over the phone or via email. Sign, date and submit form to the Registrar's Office.

FERPA Revocation Form

This form is required if you have a FERPA Release Form on file with the Registrar's Office and you no longer wish to give consent for release of your education records to an individual or agency which was indicated on the original release form or you wish to remove the FERPA form entirely from your student record. Complete form with your full name and GSC student ID#. Acknowledge consent of removal of an individual/agency and list the name you wish to remove or request to revoke FERPA release by checking appropriate box. Sign, date and submit the form to the Registrar's Office.

Request to Prevent Disclosure of Directory Information

Directory information (listed above) can be released without the consent of the student. This form is required if you wish to prevent disclosure of your directory information or to remove a previous request to prevent disclosure on file in the Registrar's Office. Please keep in mind, if you choose to withhold directory information, College officials will not be able confirm your enrollment or degrees awarded with third parties such as potential employers or insurance companies. Complete form with your full name and GSC Student ID#. Sign, date and submit form to the Registrar's Office. If removing previous prevention on file, check box at bottom of form, sign and date.

Example 3: FAFSA instructions to prevent common errors (2020–2021), Chemeketa Community College, Salem, Oregon

After learning that very simple and common errors on the FAFSA can cause major delays in processing, Chemeketa created this “common errors” instruction sheet to help incarcerated students avoid these pitfalls.



FAFSA Instructions to Prevent Common Errors (2020-21)

Before you start

- **Use blue or black ink** – The official instructions call for black ink, but we have received approval for our incarcerated students to use blue ink.
- **Fill-in the bubbles completely** – Do not check or cross the bubbles, they need to be filled in.

Correct ● Incorrect ⊗ ✓

Step One – General Information

- It is OK to leave the telephone number, email address, and driver’s license fields blank.
- **Mailing address (question 4)** – Use the mailing address of your institution and put your SID number after your street address on the top address line
- **Question 23 – Drug Conviction** – This question is asking if you had a very specific type of drug conviction, *while receiving federal student aid*. Read the criteria, but this answer is a “No” in most cases.
- For **Question 28**, mark “No” (assuming you don’t have a bachelor’s degree already);

Step Two – Student Income Information

- If you did not have any income or simply had prison points income, mark “I’m not going to file” for **question 32** and 0 for **question 38**.
- If you did file a tax return in 2018, you will need the data from it to complete this section.
- **Do not skip questions 40 through 44**. If the answers are 0, please put 0.

Step Three – Dependency Questions

- Most of you will answer “Yes” to **question 45 regarding your date of birth**, making you an independent student. You can then skip Step Four.
- **If you weren’t born before January 1, 1997**, please carefully read questions 46 through 57. If you can mark “Yes” to any of them, you will be considered an independent student (documentation may be requested when you are further in the process). If you can’t mark “Yes” to any of them, you are a dependent student and need a parent to complete Step Four. If you do not have a relationship with your parent due to abuse or neglect, please let your financial aid office know to discuss your situation further.

Step Four – Parent Information

- Review the instructions for Step Three. **Skip this section if you are an independent student.**

Step Five – Student Household Size and Additional Questions

- For most students, question 93 & 94 will each be 1 (counting you). It will only be a higher number if you are married and/or are financially supporting someone more than 50%.

Step Six – Selecting a School (list all schools that you want to receive your FAFSA information)

- The Chemeketa school code needed is 003218 (mark off campus housing).

Step Seven – Sign and Date

- Make sure you **complete the date in question 102** (don’t forget to bubble in the correct year)
- **Sign in box 103.**

Example 4: Acceptance letter, Chemeketa Community College

This example of an acceptance letter from Chemeketa Community College accomplishes several things. It lets students know they have been accepted, congratulates them on the achievement, informs them of the criteria that the college used to make the decision, and provides them with next steps. Note that Chemeketa asks only accepted students to complete the FAFSA process. In Chemeketa's case, the program coordinator screens the students ahead of time to help ensure that they will more than likely be eligible for Pell Grants barring any unforeseen issues. However, students with other means to pay for their tuition may still be accepted into the program.



May 9, 2019

Dear CAD Applicant,

Congratulations! You have been selected to be a student in our 2019 CAD cohort.

We received an overwhelming number of applicants and selected our limited cohort based on the following criteria:

- Must have a HS diploma or GED
- Must have at least 18 months of clear conduct (no DRs)
- Must have enough time to complete the program
- Must have the ability and willingness to qualify for financial aid (no defaults, etc.)
- Must have DOC approval to be transferred to Santiam Correctional Institution

We still had a large number of applicants who met the above qualifications, so we were forced to further narrow our list by rating the quality of the applications. A number of quality applicants were still not selected. You should feel proud that you were identified as having exceptional potential.

Next Steps:

- Please return the last page of this letter, indicating your intent to enroll in the program and apply for Federal Student Aid.
- Please complete the enclosed 2019-20 FAFSA and mail it to: **Federal Student Aid Programs, P.O. Box 7654, London, KY 40742-7654.**
 - a. Please follow instructions when completing the FAFSA (capital letters, fill in the circles completely)
 - b. Further instructions for preventing common errors are listed on the next page
- Be prepared to start classes the week of June 24th. You will be taking MTH070 (Elementary Algebra) and WR121 (The College Essay) to start.

We look forward to seeing you soon! Michael Budke is the Program Coordinator and is your primary contact.

Sincerely,
Michael Budke
Chemeketa Community College

Example 5: Denial letter, Chemeketa Community College

Like the acceptance letter in the previous example, this example of a denial letter from Chemeketa Community College accomplishes several things. It lets students know they have not been accepted, gives the criteria that were used to make the decision, and provides them with next steps, such as reapplying at a later date or fixing any issues that may exist that prevent them from being Pell-eligible.



May 9, 2019

Dear CAD Applicant,

Thank you for your interest in our CAD program. Unfortunately, you were not selected to participate in the 2019 cohort.

We received an overwhelming number of applicants and selected our limited 16 student cohort based on the following criteria:

- Must have a HS diploma or GED
- Must have at least 18 months of clear conduct (no DRs)
- Must have enough time to complete the program
- Must have the ability and willingness to qualify for financial aid (no defaults, etc.)
- Must have DOC approval to be transferred to Santiam Correctional Institution

We still had a large number of applicants who met the above qualifications, so we were forced to further narrow our list by rating the quality of the applications. A number of quality applicants were still not selected.

We encourage you to continue your education upon your release. If you have enough time remaining on your sentence, please apply for our 2019 Associate of Arts Oregon Transfer (AAOT) Degree cohort at SCI when we begin taking applications in June 2019. Applications will be due by August 1, 2019 and classes will start at the end of September. The AAOT program typically takes two to three years.

If you are in default on previous student loans and wish to improve your chances at future opportunities, you may wish to work on getting out of default by setting up a payment plan with your lender. The Second Chance Pell Grant is our only funding source right now and students cannot receive it while being in default. It typically takes up to nine months of payments to work out of default. Many incarcerated individuals have been honest about their situations and setup payment plans of only \$5 per month. Enclosed is information for getting out of default.

Sincerely,

Corrections Education Staff
Chemeketa Community College

Example 6: Program exit packet – Glenville State College

Prior to exiting the Glenville program, students receive the exit packet below. The packet contains information they will need to continue their education if they were not able to complete the program while incarcerated. Students who graduate will find information about on-campus career services and local services they may find helpful.

Glenville found this packet to be particularly important because state and federal laws restricting contact between college staff (who have worked in the state and federal prisons where their program exists) and formerly incarcerated students limit the reentry counseling the college can offer students. The information in the packet informs students of available resources. It directs students to Glenville staff who are not subject to the same restrictions and are therefore allowed to work with students after they are released from prison.

The packet also includes a “change of campus form,” which allows students who wish to continue an

unfinished program to change from the prison to the main campus or online rather than having to repeat the entire college application process.

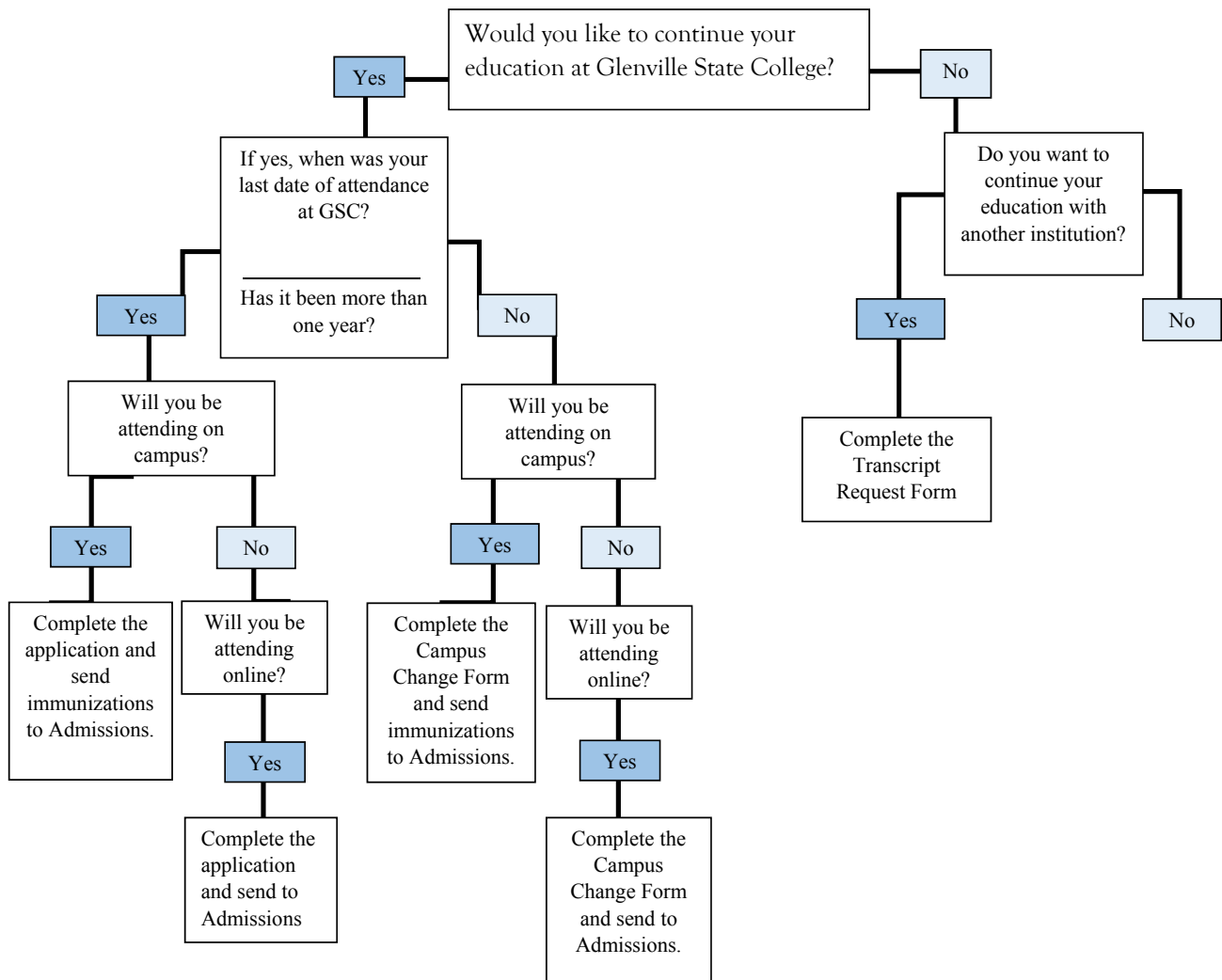
The first page of the program exit packet contains a flow chart to help students determine their next step:

The remainder of the program exit packet contains the following:

1. Address/name change request form
2. FERPA release of information form
3. Request to prevent disclosure of directory information form
4. Request to change campus form
5. Official transcript request form
6. FSA ID FAQ
7. Satisfactory Academic Progress policy
8. Academic Success Center information
9. Online program information
10. Local resources for behavioral health

Thank you for participating in the Second Chance Pell Program!

In order to help you decide what the next step is you need to take on your journey to success, we have put together this informational packet. To get started, let's answer a few simple questions.



200 High Street • Glenville, West Virginia 26351 • (304) 462-6127 • (304) 462-6058

Handouts for students

Income-driven repayment plans for student loans (page 38)

Any student who has education loans and is not enrolled half-time or more is required to make payments to remain in good standing with their loan servicer.

Administrators can share this handout with students with loan debt to help inform them of available affordable payment options. Corrections administrators can also share this handout during the prison intake process, and college administrators can add it to their program information packets and potentially prevent loan defaults from happening in the first place.

Defaulted loan rehabilitation process for students (page 39)

Although it is best to provide professional guidance to students seeking to rehabilitate defaulted federal student loans, lack of time and/or capacity may require some students to navigate the process alone. Vera drafted the following guide based on processes used by college administrators assisting incarcerated students at Grays Harbor College in Aberdeen, Washington. Administrators can share it with students seeking to resolve defaulted loans or adapt and follow it while assisting them.

Income-driven repayment plans for student loans

Bottom-line up front: Income-driven repayment (IDR) plans offer an affordable way to repay student loan debt with payments as low as \$0 per month. These plans allow the U.S. Department of Education (ED) to fully forgive debt not paid after 20–25 years.

Current students: If you're a student enrolled at least half-time and with debt in good standing, you are eligible for automatic loan deferment while you they are in school. If you are enrolled less than half-time, you will need to begin repayment on your student loans. You should check the status of your loans with your loan servicer to be sure.

Stay in good standing: It's important to make sure that you don't go into default on your loans, which could have serious financial consequences after your release from prison and would affect your future eligibility for federal student aid. For information about avoiding delinquency and default, contact your loan servicer or visit studentaid.gov/manage-loans/default/avoid.

Identifying your loan servicer: If you don't know who your loan servicer is, check your account in "My Federal Student Aid" at studentaid.gov/login or call the Federal Student Aid Information Center at 1-800-433-3243 or 1-334-523-2691 (TTY: 1-800-730-8914) – press "0" for an operator. You can also call the Default Resolution Group at 1-800-621-3115 (TTY: 1-877-825-9923).

IDR plans: These plans set your monthly student loan payment at an amount intended to be affordable based on your income and family size. Your payments may be as low as \$0 per month depending on your circumstances. Most federal student loans are eligible for at least one IDR plan. ED offers four IDR plans:

- › Revised Pay As You Earn Repayment Plan (REPAYE Plan)
- › Pay As You Earn Repayment Plan (PAYE Plan)
- › Income-Based Repayment Plan (IBR Plan)
- › Income-Contingent Repayment Plan (ICR Plan)

IDR plan request form: If you want to repay your federal student loans under an IDR plan, you need to fill out an IDR plan request form. If you have multiple loans, you need only complete one IDR request. If you have access to the Internet, you can complete an IDR plan request form online at studentaid.gov under the "Manage Loans" tab. If you do not have access to the Internet or someone to help complete the form online, you can request a paper form from your loan servicer or have someone print one from studentaid.gov. You should mail completed paper forms to your loan servicer. If you have multiple loan servicers, you will need to send each one of them an IDR request (a form completed online will automatically be sent to all loan servicers).

Deferments or forbearances: If you're unable to make federal student loan payments while you're incarcerated, you may be eligible for an economic hardship deferment or a general forbearance. You can request this status from your loan servicer. During a period of deferment or forbearance, you're not required to make payments, but interest may continue to accrue. Because these are time-limited options, you should consider an IDR plan first.

Renewal: You will be required to recertify your income information each year. While loan servicers will notify students of this requirement, it is good practice to keep track of renewal deadlines in case the notification gets lost. The renewal process mirrors the IDR plan request process: completed online at studentaid.gov or using the IDR plan request form but checking the box for "annual recertification."

Note: There is no fee for an IDR request. Although private companies may contact you offering to help you with IDR plans for a fee, these companies have no affiliation with ED or ED's federal loan servicers.

Source: U.S. Department of Education, Office of Federal Student Aid, "Income Driven Repayment Plans," <https://perma.cc/3RMH-JCCS>.

Defaulted student loan rehabilitation process

Loan rehabilitation is a one-time opportunity to clear the default status on a federal student loan and regain eligibility for federal student aid such as Pell Grants.

Helpful tips for incarcerated students

- > If possible, you should seek guidance from someone knowledgeable with the loan rehabilitation process and assistance from someone with Internet access. You will likely need the ability to dial toll-free phone numbers as well.
- > You can file the Free Application for Federal Student Aid (FAFSA) before your defaulted loan is rehabilitated. This should expedite financial aid disbursements to the college once the rehabilitation process is complete. However, financial aid disbursements cannot begin until after the sixth payment is made or when the loan is considered rehabilitated (after nine payments).
- > If possible, get a copy of the Financial Disclosure for Reasonable and Affordable Rehabilitation Payments form OMB 1845-0120, either online at studentaid.gov or have someone print one for you.
- > You should have on hand your date of birth, Social Security number, current address, and main phone number for the facility in which you are incarcerated before calling your loan service provider or the U.S. Department of Education.
- > You should keep records of all conversations about the loan rehabilitation process.

Completing the loan rehabilitation process

1. To start the loan rehabilitation process, you must contact your loan holder.

If you're not sure who your loan holder is, check your account in "My Federal Student Aid" at studentaid.gov/login or call the Federal Student Aid Information Center at 1-800-433-3243 or 1-334-523-2691 (TTY: 1-800-730-8913).

If calling, dial "0" for immediate assistance and explain to the agent you are trying to resolve a defaulted student loan and need your loan servicer's contact information. The agent can provide you with the name and phone number of your loan servicer.

Some agents will insist on a call-back phone number. Inform them you have no phone. Offer them the main phone number of the corrections facility and let the agent know they will not be able to reach you, the student, by calling that phone number. This allows the agent to move forward.

- If for some reason, the agent cannot provide you with your loan servicer's contact information for your loan servicer or you need more information than the agent is able to provide, you can call the U.S. Department of Education Default Resolution Group at 1-800-621-3115.
 - Once you are in contact with your loan servicer, you can ask for help with loan rehabilitation. Let the servicer know you have the Financial Disclosure for Reasonable and Affordable Rehabilitation Payments form OMB 1845-0120 available to complete and send in.
2. The agent will ask if you can pay the entire balance or a reduced balance before screening for the loan rehabilitation process.
 - The agent will ask a series of questions to determine possible eligibility.
 - Usually, payments can be set up for as little as \$5 per month.
 - The agent will let you know the address to which you should send the Financial Disclosure for Reasonable and Affordable Rehabilitation Payments form.
 3. You will receive a contract by mail to sign and return.
 4. Begin making payments:
 - You can make payments by check or money order. Your account number should be on the check or money order.
 - You may be able to ask the correction facility's business office to make payments on your behalf and withdraw the money from your account. Ask a corrections staff member for help contacting the business office to make this inquiry.

- A family member or friend can send payments by mail on your behalf.
 - A trusted family member or friend can make payments online, but they must set up an account on your behalf through the Federal Student Aid ID website at <https://fsaid.ed.gov/npas/index.htm>. To make online payments, the family member or friend must log in with the username and password for the student's Federal Student Aid ID account on <https://myeddebt.ed.gov/>.
- > If you miss a payment, you will have to restart the process. All nine payments must be made in a window of 20 days after each month's due date. Once you receive information about the payment due date, you should start the process for sending payment by mail well in advance of the due date. This allows time to resend a payment if mail is returned and you need to resend it.
 - > Payments cannot be doubled up. For example, if you make a \$10 payment for January, it all gets posted to January. The servicer will not view it as \$5 for January and \$5 for February. If a payment is returned, you cannot send two payments together. You must mail each \$5 payment individually within the 20-day post-due date grace period.
5. After you have made six months of payments, your college's financial aid office can begin disbursing financial aid payments if you qualify for aid—meaning you can start classes.
 6. You should continue making payments until you receive an official notice that the loan has been rehabilitated and you officially become eligible for financial aid. This is supposed to happen after the ninth payment, but it may take an additional payment or two before you receive the notice. Until the loan is out of default and deferred, the servicer will expect payments to continue until the process is complete.
 7. Depending on your enrollment status, you may need to continue repaying your student loans.
 - > If you are enrolled at least half-time, your loans can be placed in deferment while you are in school. Your college will report your enrollment status to the National Student Loan Data System and if eligible, your loan will be automatically deferred if you are eligible. It is good practice to check with your loan servicer to be sure.
 - > If you are enrolled less than half-time or have completed your program, you will have to begin repaying your student loans. Depending on your circumstances, you may qualify for income-driven repayment plans that offer affordable payments as low as \$0 per month. You can find out more about payment plans through your loan servicer, on studentaid.gov under the “Manage Loans” tab, or call the Federal Student Aid Information Center at 1-800-433-3243 or 1-334-523-2691 (TTY for the deaf or hard of hearing: 1-800-730-8913).

Reminder: Loan rehabilitation is a one-time only option. If you default a rehabilitated loan, you will not be able to rehabilitate the loan again.

*Sources: Grays Harbor College, Aberdeen, WA, and the U.S. Department of Education, studentaid.gov.

Appendix B

Solving processing issues

Among the first cohort of SCP colleges, three common issues arose as stumbling blocks to completing the FAFSA: (1) uncertainty about a student's Selective Service registration; (2) difficulties gathering a student's tax documents; and (3) the need to identify students with federal loans in default and help them navigate the loan rehabilitation process. Each of these challenges has standard processes through which students who are not incarcerated are expected to resolve these concerns before applying for aid. For this reason, college financial aid offices are not typically called on to walk an applicant through each step of the process.

Because applicants in prison face difficulties communicating with the agencies involved in resolving these matters, SCP colleges have had to develop methods for taking a more active role in assisting incarcerated student applicants than is typical with students on their main campus. What follows are the standard processes for resolving these common issues, which college-in-prison administrators can use to assist incarcerated students in obtaining the necessary documentation.

Selective Service request for status

Selective Service System (SSS) status is available by calling 1-847-688-6888 or on the www.sss.gov website using the student's last name, birth date, and Social Security number. If a student did not register from age 18 to 25, and was clearly not required to (for instance because he was born before 1960, served active duty in the armed forces, is a noncitizen in certain categories, is a transgender man, or was incarcerated or institutionalized during that

period), you must document this, but do not need to have them request a status information letter from the SSS. However, because it may be difficult for a student to document some scenarios, the college's financial aid office may then require a status information letter as the first step of their appeals process.⁵² As long as the student did not knowingly and willfully fail to register, he should be eligible to receive aid.

Request forms can be downloaded and printed at www.sss.gov. The request requires the student to provide the details of why he did not register so that the SSS can verify the student's status. It may take as many as three months to receive a response from the SSS. If SSS does not respond within 30 days, the college may award aid while waiting for the letter if there is no evidence that the student intentionally failed to register. Because the college will need to return any inappropriately disbursed aid, it is advisable for the financial aid administrator to wait for the letter unless there is certainty the student did not knowingly fail to register.

A status information letter from the SSS states the facts: (1) whether or not the man is registered; (2) whether or not the man should have registered; or (3) if he is exempt. Although the letter is meant to help administrators usher the student through the verification process, decisions about financial aid for a man who failed to register with the SSS should not be based solely on the information provided in the letter. Financial aid administrators are obliged to review all evidence the student presents to determine if he has shown "by a preponderance of evidence" that his failure to register was neither willful nor knowing. Ultimately, the financial aid administrator has the discretion to make a final decision regarding the student's eligibility for the financial aid benefit.⁵³

If a student is responding to a letter or needs to provide documentation, they can mail it to:

Selective Service System
Data Management Center
P.O. Box 94638
Palatine, IL 60094-4638

IRS records for independent or married students

Income tax verification for incarcerated students, their spouses, or their parents can be a major challenge. Most incarcerated people do not regularly file taxes (although on rare occasions an incarcerated person may have outside income such as investments), and pay received for work while incarcerated does not count as “earned income” for tax purposes.⁵⁴ There are a number of questions on the FAFSA that determine whether a student is independent, and this status in turn dictates whether the student needs tax and other information from a parent.

Determining dependency. The Higher Education Act defines an independent student as someone who fits into one or more of six specific categories.⁵⁵ Under these categories, a student is independent if they are:

1. 24 years of age or older by December 31 of the award year;
2. at any time after turning 13 have been an orphan, in foster care, or a ward of the court;
3. a veteran of the Armed Forces of the United States;
4. a graduate or professional student;
5. married; or
6. has legal dependents other than a spouse.

ED empowers financial aid administrators to make professional judgments to determine cases that warrant a dependency override—a documented determination of independence regardless of the candidate’s failure to qualify under the six specified categories.⁵⁶ Examples include situations in which

a student’s parent cannot be located or there is a no-contact order from the court.⁵⁷ Supporting documentation in the student’s file—including a third-party verification such as a government agency or court document—is an important aspect of dependency overrides.⁵⁸

Financial aid administrators should note that ED has identified four conditions that do not qualify as unusual circumstances or that do not merit a dependency override:

1. parents refusing to contribute to the student’s education;
2. parents unwilling to provide information on the application or for verification;
3. parents not claiming the student as a dependent for income tax purposes; and
4. student demonstrating total self-sufficiency.

Spousal tax information. In general, a student’s marital status on the date the FAFSA is completed is the student’s marital status for the corresponding academic year. If a student incorrectly marks “married” when they are separated, the financial aid office can correct the status after obtaining the appropriate documentation. The separation can be official through a court, or unofficial, for example, by living in separate residences with intent to divorce. Both circumstances may require documentation, but unofficial separations are much harder to prove.

If a student’s marital status changes after the FAFSA is filed, the college would need to use professional judgment to change the status. Each college has its own process, but at the very least, the file must first go through the regular verification process. Documentation must then be gathered to prove the extenuating circumstance. Examples of extenuating circumstances leading to the use of professional judgment include a spouse who cannot be located and no-contact court orders.⁵⁹

Default loan rehabilitation

Students who have defaulted on a federal student loan are required to rehabilitate the loan before they are eligible to receive a Pell Grant. College financial aid officers can help students to do so in one of the following ways:⁶⁰

- › Full repayment of the loan. This requires the student to repay the full balance that is left on the defaulted loan, including interest. Full repayment on the defaulted loan may be the best option if the balance (amount owed) is affordable, as the student will not be required to make any future payments. A college financial aid officer can help an incarcerated student to request specific information about a defaulted federal loan (such as the contact information of the loan servicer or the current balance) by checking the National Student Loan Data System (NSLDS) or calling the Default Resolution Group at 1-800-621-3115.⁶¹
- › Loan rehabilitation. This requires the student to make nine voluntary, reasonable, and affordable monthly payments within 20 days of the due date over a 10-month period.⁶² A student must enter into a loan rehabilitation agreement, under which the loan holder will determine a reasonable monthly payment amount. If the student cannot afford the initial monthly payment as determined by the loan holder, they can ask for a calculation of an alternative monthly payment because of their incarceration. This can result in a student paying monthly payments as low as five dollars.

Once a student has made the required nine payments, the loan will return to good standing. After six timely payments, the student is eligible to begin receiving federal aid but must continue to make the final payments until the loans are out of default. At that time, they will have all the normal loan benefits, such

as deferments, and the loan will be considered rehabilitated.

Because rehabilitation is a one-time opportunity, it is vital to help students adhere to the process's requirements and deadlines. If the same rehabilitated loan goes into default again, it cannot be rehabilitated a second time. If the student designates a friend or relative to be responsible for making his or her monthly payments, the student should stress the significance of making the payments on time—on or before the due date. If the student is attempting to pay using an account or remit system associated with a correctional facility, they should be sure to complete all requests in a timely fashion to avoid setbacks. Program coordinators and financial aid administrators should work closely with corrections' business offices to stress the importance of making these payments in a timely fashion to avoid causing setbacks for the student.

Once a loan is in good standing and the student is enrolled in college at least half-time, the loan can go into deferment. If the student drops below half-time, payments would need to continue, but with the loan in good standing, the student may qualify for an IDR plan. Under one of these plans, the borrower may qualify for reduced or zero-dollar payments, depending on their financial circumstances. By using these payment plans, borrowers may eventually pay off their loans or have remaining debt forgiven depending on which plan is chosen.⁶³

For step-by-step loan rehabilitation guidance see Appendix A, "Defaulted student loan rehabilitation," page 39.

Student loan debt charge-offs

There is an option available for an incarcerated person serving 10 years or more to have defaulted federal student loan debt “charged off” as uncollectible, thus ceasing collection activities.^a A borrower seeking this option must document the length of their incarceration by providing written verification through a letter completed on the institution’s letterhead and signed by a prison official. The letter must include the borrower’s name, Social Security number, date of birth, inmate number, and release date or date of eligibility for parole, whichever is sooner. The letter must also include the name, title, and phone number of the official verifying the provided information. Alternatively, an e-mail from a prison official can document this information. Documentation should go to the private collection agency servicing the borrower’s account or to the following address:

US Department of Education
PO Box 5609
Greenville, TX 75403-5609

However, this option will not help the student become eligible for financial aid. In order to qualify for federal financial aid, a borrower with charged-off student loan debt (debt that the lender has written off as uncollectible) would need to have the debt reinstated and follow the steps required to rehabilitate the loan outlined in this toolkit.^b

An alternative for any incarcerated person considering debt charge-off is rehabilitating the loan and applying for an IDR plan—under which payments can be as low as zero dollars per month. Under an IDR plan, any debt not paid after 20 or 25 years, depending on which plan is chosen, will be forgiven.^c

^a U.S. Department of Education, Office of Federal Student Aid, “Loan Servicing and Collection - Frequently Asked Questions: Incarcerated Borrowers,” <https://perma.cc/PE34-WUWX>.

^b Kerri Moseley-Hobbs, Policy Liaison and Implementation, U.S. Department of Education, Office of Federal Student Aid, March 3, 2020, personal e-mail.

^c U.S. Department of Education, Office of Federal Student Aid, “Income Driven Repayment Plans,” <https://perma.cc/3RMH-JCCS>.

Endnotes

- 1 U.S. Department of Education, “Answering Your Frequently Asked Questions About Second Chance Pell,” April 2019, <https://perma.cc/83CK-N5ZA>.
- 2 For the purposes of this toolkit, “college” refers to higher education in career technical, two-year, four-year, public and private non-profit colleges or universities. “Postsecondary education” refers to any education that occurs after high school, including certificates or associate of applied science, associate of arts or science, and/or bachelor of arts or science degrees. As of the writing of this toolkit, there are no for-profit colleges participating in Second Chance Pell. Correspondence instruction is not an allowable modality in the Second Chance Pell experiment, see U.S. Department of Education, “Experimental Sites Initiative Second Chance Pell Experiment Frequently Asked Questions,” November 21, 2019, <https://perma.cc/6GHP-9PHX>.
- 3 U.S. Department of Education, “Your Frequently Asked Questions,” 2019.
- 4 U.S. Department of Education, Office of Federal Student Aid, “Invitation to Participate in the Second Chance Pell Experiment Under the Experimental Sites Initiative,” May 2019, <https://perma.cc/DVW5-PHRP>.
- 5 Postsecondary education in prison dates back as early as 1870, though access has waxed and waned over the years since, mirroring public sentiment that has fluctuated from punitive to restorative approaches to corrections. Programs began to flourish when Pell Grants were established in 1972 and available to incarcerated people. By 1982, most states had postsecondary education programs in their prisons, but these programs all but ended in 1994 after the passing of the 1994 Violent Crime Control and Law Enforcement Act. Prisoner Reentry Institute, Mapping the Landscape of Higher Education in New York State Prisons (New York: John Jay College of Criminal Justice, 2019), 1, <https://perma.cc/3ZW9-7TPA>; and Kenneth L. Parker, “The Saint Louis University Prison Program: An Ancient Mission, A New Beginning,” *Saint Louis University Public Law Review* 33, no. 2 (2014), 383-400, <https://perma.cc/N4Y9-GDZJ>.
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- 55 The student may qualify for independent status if, at any time since they turned age 13, they were in foster care; had no living parent (biological or adoptive), even if they are now adopted; or were a dependent or ward of the court, even if longer a dependent/ward of the court as of today. For federal student aid purposes, someone who is incarcerated is not considered a ward of the court. The financial aid administrator at the college may require proof they were in foster care or a dependent/ward of the court. This information may be available from a state child welfare agency. See U.S. Department of Education, Office of Federal Student Aid, “At Any Time Since You Turned Age 13,” <https://perma.cc/8Q83-K8WR>; U.S. Department of Education, Office of Federal Student Aid, “Am I Dependent or Independent,” <https://perma.cc/B4J3-A24D>.
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- 58 *Ibid.*
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- a Baum, Ma, Pender, and Libassi, 2018, 14.
- b Ibid., 9.
- c Ibid., 32.
- d Hobby, Walsh, and Delaney, 2019, 9.
- e Many states limit eligibility for state aid to those who are also eligible for Pell Grants—meaning that if incarceration eliminates you from eligibility for Pell Grants it will also eliminate you from eligibility for state aid. Hobby, Walsh, and Delaney, 2019, 14.
- f Ibid., 17.
- g Vera has had significant correspondence with state education coordinators regarding opportunities for incarcerated students. California: Shannon Swain, superintendent of education, California Department of Corrections and Rehabilitation, November 28, 2018, personal e-mail; Missouri: Dr. Elizabeth Gassel Perkins, provost, St. Louis Community College, December 13, 2018, personal e-mail; New Mexico: Brian Clark, superintendent of education, New Mexico Corrections Department, November 18, 2018, personal e-mail; Oregon: Michael Budke, education coordinator, Chemeketa Community College, February 1, 2019, interview by Brian Walsh; Texas: Sara Bouse, TDCJ counselor, Alvin Community College, November 28, 2018, personal e-mail; Wisconsin: Julie Ashlock, assistant dean, Milwaukee Area Technical College, November 28, 2018, personal e-mail.
- h The Workforce and Innovation Opportunity Act (WIOA) is designed to help coordinate education, training, and support needs of job seekers with the needs of employers. The act provides a number of ways to fund programs that assist job seekers in attaining the skills and knowledge that will make them desirable employees. Title II of WIOA, known as the Adult Education and Family Literacy Act, is widely used in pre-college prison education programs, but few states use WIOA Title I Adult and Dislocated Worker funding to fund postsecondary programs. Because WIOA funds are targeted at increasing employment, this funding source may be especially relevant to career and technical programs. The challenge of using these funds—and the reason most corrections departments do not use them—is that several of the performance indicators

would be very difficult to measure in corrections settings. Additionally, WIOA funds are limited, and hence a state would have to choose serving incarcerated people over people in the community. U.S. Library of Congress, Congressional Research Service, “The Workforce Innovation and Opportunity Act and the One-Stop Delivery System,” by David H. Bradley, R44252 (2015), <https://perma.cc/MGR7-95QD>; and The National Reentry Resource Center, “The Workforce Innovation and Opportunity Act,” May 2017.

- i The Veterans Administration can pay certain benefits to honorably discharged veterans who are incarcerated in a federal, state, or local penal institution; however, the amount depends on the type of benefit and the reason for incarceration. U.S. Department of Veterans Affairs, Benefits Assistance Service, “Incarcerated Veterans,” May 2015, <https://perma.cc/EAV6-VBSS>.
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- k According to the U.S. Department of Education, incarcerated students technically may be eligible to receive Federal Work-Study (FWS) and Federal Supplemental Educational Opportunity Grant funding. Although there are real challenges to accessing these funds in prison—for example, it is difficult for incarcerated students to perform many common FWS jobs—FWS could be a way to pay incarcerated students enrolled in postsecondary programs as tutors or instructional aides at a prevailing wage. These wages could supplement other funds with which students pay tuition for postsecondary programs. U.S. Department of Education, Office of Federal Student Aid, “Fact Sheet: Federal Student Aid for Students in Adult Correctional and Juvenile Justice Facilities,” February 2019, <https://perma.cc/A7CA-EUVM>.
- l Emily Parker and Molly Sarubbi, *50-State Review: Tuition Assistance Programs for Foster Youth Pursuing Postsecondary Education* (Denver, CO: Education Commission of the States, 2017), <https://perma.cc/WP4K-H77X>.
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- n U.S. Department of Education, *Education and Training Vouchers for Current and Former Foster Care Youth* (Washington, DC: U.S. Department of Education, 2015), <https://perma.cc/2E2T-KDX9>.
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