



## **Section by Section:**

### **Expanding Educational Opportunities for Justice-Impacted Communities Act**

**Sec. 1 Short Title:** Expanding Educational Opportunities for Justice-Impacted Communities Act.

**Sec. 2 Federal Pell Grants on Behalf of Incarcerated Individuals:** Strikes the ban on Pell eligibility for students who are incarcerated or subject to involuntary civil commitment in paragraph (6) of Section 401(b) of the *Higher Education Act*.

This section further provides assurances and protections for incarcerated students enrolled in Pell-eligible courses by establishing a number of requirements that institutions must satisfy in order to receive Pell Grant funding for the enrollment of incarcerated students. These requirements are summarized below.

Institutional Eligibility: Institutions must secure approval from the Secretary of Education and an accreditor meeting the requirements of Section 5 of the bill (summarized below) to receive Pell Grants on behalf of incarcerated students. Only public institutions, private nonprofit institutions, and postsecondary vocational institutions (as defined in Section 102(c) of the *Higher Education Act*) are eligible. Institutions are not eligible if they have been subject to the denial, withdrawal, suspension, or termination of accreditation over the past five years.

Academic credits: Institutions must provide incarcerated students with academic credits that are the same as credits earned by non-incarcerated students for an equivalent course.

Accessibility: Institutions must provide confirmation from each facility involved that the course of study offered by the institution at such facility is accessible to incarcerated individuals (including individuals with disabilities).

Distance Education: Institutions offering distance education programs must provide evidence of the institution's success in offering distance programs and confirmation that the distance education program offers levels of faculty interaction, peer engagement, and student support sufficient to enable students to successfully participate the program.



Transcripts: Institutions must institute a process to allow incarcerated individuals to access their transcripts and other educational records, including after transferred or release.

Student Feedback: Institutions must institute a process to allow incarcerated students opportunities to provide feedback on educational programs that are comparable to the opportunities afforded to non-incarcerated students.

Program Costs: Institutions are prohibited from passing any direct costs onto Pell-eligible incarcerated students or their families, including the cost of accommodations for students with disabilities. The cost of attendance for Pell-eligible students must be covered by other sources, such as federal, state and institutional grants or other grant aid. This requirement applies to students who are determined, based on the income and asset information submitted in the FAFSA, to have an expected family contribution that would qualify them for Pell, regardless of whether the student actually receives a Pell Grant.

A limited exception is made to the direct cost prohibition for students who are determined, based on the income and asset information submitted in the FAFSA, to have an expected family contribution that would disqualify them from receiving a Pell Grant. Even in such cases, institutions may not charge such students an amount that exceeds their expected family contribution (i.e. the amount that the individual is capable of contributing to postsecondary expenses as determined by the federal needs analysis).

Institutions may not charge any student an amount that exceeds the program's cost of attendance, which, for incarcerated students, is limited under current law to tuition and fees and, if required, books and supplies.

Disclosures: Institutions must provide the following information to prospective students, the Secretary of Education, their accreditor, and the correctional facility with regards to each course of study offered to Pell-eligible incarcerated students:

- the cost of attendance;
- the mode of instruction (e.g. distance education, in-person, or blended);
- the sources of funding used to provide the course of study (in addition to Federal Pell Grants);
- how enrollment will impact students' lifetime eligibility for Pell Grants;
- the transferability of credits and whether credits are counted toward a degree or certificate program offered by the institution;



- the process for continuing education upon transfer to another facility or release;
- the process for continuing enrollment at the institution upon release, including barriers to admission such as criminal history questions on applications for admissions; and
- in the case of workforce-focused, non-degree programs designed to prepare students for gainful employment in a recognized occupation (i.e. those within the specific category of “gainful employment programs” as used in the *Higher Education Act*), information on any relevant licensure and certification requirements for the relevant occupation, as well as restrictions in State or Federal law related to the employment of formerly incarcerated individuals in the relevant occupations.

The Secretary of Education is tasked with the following oversight activities:

- confirming an institution’s initial eligibility, including confirmation that programs have secured approval from an appropriate accreditor as defined in Section 5 of the bill and confirming that programs are offered by an institution meeting the institutional eligibility requirements;
- determining at least once every 5 years whether an institution should continue to be eligible to receive Pell Grants on behalf of incarcerated students based on compliance with the requirements of the bill, the data collected on each course of study offered by the institution, and any other information that may be available to the Secretary; and
- collecting data on the courses of study for which incarcerated students receive Pell Grants, including data related to student demographics, the share of students receiving Pell Grants, academic outcomes of incarcerated students (such as credit accumulation and degree completion), to the extent practicable, post-release outcomes (such as continued postsecondary enrollment, employment, and recidivism), and, where available, data from student satisfaction surveys conducted by the institution or correctional facility.

Definitions are included for the following terms: cost of attendance, facility, facility involved, incarcerated individual, and non-incarcerated student.

**Sec. 3 FAFSA:** Directs the Secretary of Education to streamline the forms and processes for an incarcerated individual to apply for a Federal Pell Grant, including by waiving the selective service registration requirement for Pell eligibility; amending or waiving income documentation requirements, including for parents



and spouses, that students may be subject to; and assisting students in rehabilitating defaulted federal loans in order to regain Pell eligibility. The Secretary is further directed to submit a report to Congress within one year of enactment regarding steps taken to streamline financial aid forms and processes for incarcerated students.

This section additionally prohibits the Secretary from asking any questions related to past drug convictions on the FAFSA.

**Sec. 4 Removal of Suspension of Eligibility for Drug-Related Offenses:** Strikes the suspension of eligibility for drug-related offenses in paragraph (r) of Section 484 of the *Higher Education Act*.

**Sec. 5 Accrediting Agency Recognition of Institutions Enrolling Incarcerated Individuals:** Requires accreditors that oversee institutions receiving Pell Grants on behalf of incarcerated students to institute a process for determining if those institutions have the capability to effectively offer courses to incarcerated students. Accreditors must specifically require institutions to demonstrate the following:

- courses offered to incarcerated students are taught by faculty with experience and credentials comparable to the experience and credentials of faculty who teach courses available to non-incarcerated students enrolled at the institution;
- academic credits earned by incarcerated students for completion of a course offered are treated by the institution as the equivalent to credits earned by non-incarcerated students for an equivalent course;
- the institution provides sufficient educational content and resources to incarcerated students that are, to the extent practicable, consistent with the educational content and resources available to non-incarcerated students; and
- the institution has the capacity, staffing, and expertise to provide incarcerated students with the support and advising services necessary to successfully participate in a course of study and, to the extent practicable, with support upon reentry including career and academic advising.

**Sec. 6 Report on the Impacts of Federal Pell grants Awarded to Incarcerated Individuals:** Requires the Secretary of Education, within 3 years of enactment, to prepare and publicly release a report on the impact of Pell-eligible prison education programs based on the data collected.

