

The Best Interest Determination (BID) Toolkit: Guidance for Oversight Entities

Developed by the 2024 Best Interest Determination Council,
Corrections Education Leadership Academy,
and the Vera Institute of Justice

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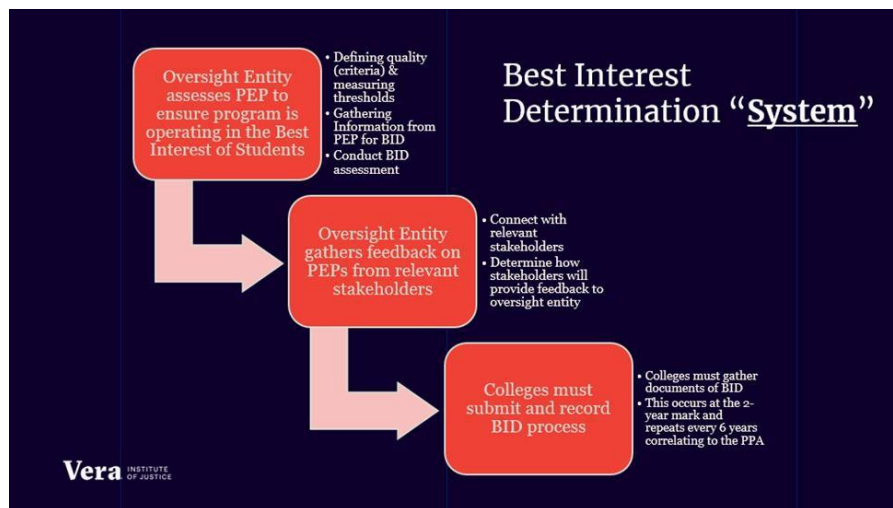
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Introduction

The FAFSA Simplification Act of 2020 reinstated Pell Grant eligibility to people who are confined or incarcerated and serving a criminal sentence in the United States. On October 28, 2022, the U.S. Department of Education (ED) published final regulations (the regulations) for that law.¹ These took effect on July 1, 2023.² The regulations provide a framework for how to implement Pell reinstatement to ensure high-quality postsecondary education in correctional facilities and outline the steps postsecondary institutions must follow to create and maintain approved Prison Education Programs (PEPs) that are eligible to administer Pell Grants to people who are confined or incarcerated.

To maintain their PEP status, postsecondary institutions must work with their correctional partner, otherwise known as the oversight entity, to complete a program review termed the Best Interest Determination (BID). The final regulations require that the BID must take place, at minimum, within two years of the PEP being approved by ED and must be repeated every time the postsecondary institution renews its Program Participation Agreement or earlier if required by the oversight entity. Oversight entities are responsible for administering the BID and making the final determination about the postsecondary institution's performance.³

There are consequences to the outcome of the BID. The regulations note that "if an oversight entity does not find the eligible PEP to be in the best interest of students, the PEP will become a Title IV ineligible program. Confined or incarcerated individuals enrolled in the ineligible program may no longer receive Pell Grant funds for any payment period that begins following that determination. Under 34 CFR § 668.241(e), the school must submit the oversight entity's documentation of the best interest determination to the Department during the Title IV recertification process."⁴



This Toolkit is designed to assist oversight entities with meeting the BID requirements, as outlined in 34 CFR 668.241 of the final regulations, ED's FAQs that outline the BID process in more detail, and referenced in ED's optional form, "Best Interest Determination- Prison Education Program."⁵ Some of the specific suggestions outlined in this Toolkit are not required by regulations; however, based on a review of the regulations, Vera recommends oversight entities create the following four tools:

1. Create a policy describing how the BID will be conducted,
2. Develop template reports for postsecondary institutions offering approved PEPs to complete,
3. Design a BID feedback template for participating stakeholders to complete, and
4. Create a response letter to the postsecondary institution offering the PEP that documents the BID outcome.

As of 2025, postsecondary institutions are currently offering Pell-eligible programs in prisons in 48 states, the Bureau of Prisons, and Puerto Rico, under the authority of ED's Second Chance Pell Revised Experiment which will conclude on June 30, 2026, or earlier if a program becomes a PEP. At least 27 of those states also have

stakeholder groups working together to advance access to postsecondary institutions in prison.⁶ Stakeholder groups offer great opportunities for oversight entities to solicit input on the BID and how to complete it. While the oversight entity is responsible for determining how these tasks will be completed, these partners can provide insights, suggestions, and experiences that can inform these decisions and contribute to an effective and meaningful approach.

This BID Toolkit was created by Vera, in partnership with a BID Council and the members of the 2024 Corrections Education Leadership Academy (CELA), to be a resource for corrections agencies to prepare their BID system with all processes, procedures, and stakeholders in place, as necessary, to assess postsecondary institutions offering a PEP, according to federal regulations. Vera would like to thank the members of the BID Council and CELA.

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Step One: Inviting Stakeholders to Participate in the BID

According to the regulations, the oversight entity must issue a determination of whether a postsecondary institution offering a PEP is operating in the best interests of students. The regulations require postsecondary institutions offering PEPs to pass the BID to retain their Pell-eligible status. The regulations and ED’s recent optional form “Best Interest Determination- Prison Education Program” describe what the oversight entity must consider, the stakeholders it must consult, and the documentation it must produce. However, much detail about how these things will be achieved is left to the oversight entity and its partners to determine. In this section, Vera and the BID Council offer strategies for how to operationalize the BID.

a) Defining Stakeholders

The regulations require the oversight entity to conduct a feedback process that considers input from the four stakeholder types named in the regulations. These must include

1. Representatives of confined or incarcerated individuals,
2. Organizations representing confined or incarcerated individuals,
3. State higher education executive offices, and
4. Accrediting agencies.⁷

In addition, the oversight entity may also include additional stakeholders at its discretion. The oversight entity is tasked with deciding which people will be invited to represent these stakeholders in the feedback process. These could include one or more people representing each relevant stakeholder type. For example, the oversight entity could choose a representative from currently incarcerated people to provide feedback, or they could invite family members of incarcerated people or people in reentry. Similarly, the organizations representing confined or incarcerated people could include reentry organizations, legal services providers or advocates, grassroots organizations, and faith-based groups. State higher education executive offices and accreditors are agencies with which postsecondary institutions have existing relationships. The PEP can name a contact at the appropriate agency for each. Other stakeholders the oversight entity may consider include representatives of postsecondary institution consortia or other state-based groups working to advance access to postsecondary institutions in prison, departments of labor or commerce, non-profits or other groups, or employers.⁸

The oversight entity must determine which stakeholder representatives it is seeking for the feedback process. An invitation letter could be sent to potential stakeholders, and it could include

- a description of what the invitee will be asked to do,
- an estimated time commitment,
- a description of the input the participant will have on the outcome of the BID, and,
- a description of the other invited stakeholders.

b) Determining How Feedback Will be Collected

The oversight entity must next determine the format in which it will collect feedback from stakeholders. There are two dimensions to consider: first, whether feedback will be collected in a group or individually; and second, whether feedback will be collected verbally or in writing. There are a few ways to operationalize the feedback collection along these two dimensions. When collected verbally, the oversight entity should take minutes or detailed notes to capture and document the feedback. For example,

	Individual	Group
In writing	Feedback collected in writing sent individually to the oversight entity	Feedback collected in writing and then circulated among all stakeholders
Verbal	Feedback collected verbally in one-on-one meetings with the oversight entity	Feedback collected verbally in a group meeting of all stakeholders

In Louisiana, for example, the oversight entity holds regular meetings, enabling stakeholders to hear each other's perspectives in real time. The Louisiana Department of Public Safety and Corrections made this format clear when it issued a letter from the Secretary to invite stakeholders to participate in this committee and included outlining the potential time commitment for participation.⁹

c) Deciding How Input Will be Considered

The oversight entity must also determine the way in which it will consider feedback from stakeholders. The regulations require only that feedback be collected and considered, leaving the oversight entity to determine to what extent the feedback influences the BID. For example, the BID outcome could be decided using consensus, majority rule, or through unilateral decision making by the oversight entity alone after reviewing feedback. The oversight entity should be clear with stakeholders about the role feedback will play in the outcome from the outset, how often meetings should take place, and how minutes from each meeting will be recorded.¹⁰

Step Two: Develop the BID Methodology, Report Template, and Feedback Template

The regulations task the oversight entity with assessing the PEP's performance in relation to four criteria:

- Whether the experience, credentials, and rates of turnover or departure of instructors for the PEP are substantially similar to other programs at the school, accounting for the unique geographic and other constraints of PEPs.
- Whether the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs is substantially similar to those at other similar programs at the school, accounting for the unique geographic and other constraints of PEPs.
- Whether the PEP's offering of relevant academic and career advising services to participating confined or incarcerated individuals--while confined or incarcerated, in advance of reentry, and upon release--is substantially similar to offerings to a student who is not a confined or incarcerated individual and who is enrolled in, and may be preparing to transfer from, the same school, accounting for the unique geographic and other constraints of PEPs.
- Whether the school ensures that all formerly confined or incarcerated individuals are able to fully transfer their credits and continue their programs at any of its locations that offers a comparable program, including by the same mode of instruction.¹¹

Oversight entities are also given the discretion to consider any additional criteria and to make their decision in light of the totality of the circumstances. The regulations do not specify what data should be collected, what thresholds or benchmarks they should be measured against, or in what format they should be reviewed. In this section, Vera and the BID Council offer strategies for how to operationalize the required criteria into a methodology, a report template, and a feedback template.

Vera and the BID Council recommend that oversight entities develop these materials in collaboration with the required stakeholders and postsecondary institutions offering PEPs to ensure the data requested and threshold are realistic and appropriate and that the time burden on the postsecondary institutions for completing the BID assessment is reasonable.

a) Developing the Methodology

The oversight entity and stakeholders must review the PEPs performance in the context of four required criteria. However, the regulations do not define how these criteria should be measured. This is left to the oversight entity to determine. Below, Vera and the BID Council offer recommendations for measuring PEP performance on each required criterion. This also includes the regulatory language for each.

The starting place for developing a methodology may vary by jurisdiction. Some accreditors have requested that postsecondary institutions provide a description of the methodology before the postsecondary institution receives initial approval for their PEP. ED also requires a description of the methodology as part of their PEP application. If the oversight entity or the postsecondary institution offering the PEP has already drafted a methodology, reviewing and revising this initial description should be the first step to finalizing the criteria.

There are two general ways in which postsecondary institutions can provide evidence of meeting the criteria: first, they can provide counts, percentages, or other measures of performance on each criterion; or second, they can affirm to the oversight entity that their performance meets the substantially similar standard without showing the data on which they base this assertion. In order to uphold the requirement in the regulations to account for the unique geographic and other constraints of prison education programs, each requested data point should be accompanied by a request for narrative, describing the data presented and providing context.

Regulatory Language

“(a) An oversight entity’s determination that a prison education program is operating in the best interest of students—

(1) Must include an assessment of—

Criterion #1

(i) Whether the experience, credentials, and rates of turnover or departure of instructors for the prison education program are substantially similar to other programs at the institution, accounting for the unique geographic and other constraints of prison education programs”.¹²

All postsecondary institutions must keep track of their instructors’ experience and credentials to report on this metric to multiple entities, including their accreditor. Similarly, many postsecondary institutions keep data on turnover rates of instructors as part of their institution’s long-range planning. This information is usually kept in a postsecondary institution’s records office.

The oversight entity will need to determine what information it will request to assess the PEP’s performance. For example, the oversight entity could request data showing how many instructors that teach in the PEP have certain degrees (i.e., Master’s and PhDs) or those that have a certain number of years of experience (i.e., five or more). It could then ask for the same data on other locations of the postsecondary institution. Reviewing both the data for the PEP and the data for other locations of the postsecondary institution is one strategy for determining whether the instructors are substantially similar in both locations.¹³

Criterion #2

“(ii) Whether the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs is substantially similar to those at other similar programs at the institution, accounting for the unique geographic and other constraints of prison education programs”.¹⁴

Credits earned at an accredited postsecondary institution are typically transferrable to other accredited postsecondary institutions. Transfers can happen in two ways: 1) the credits from the sending institution are applied at the receiving institution in a way in which the credit retains its substantive value (i.e., Business 101 at postsecondary institution A is transferred and becomes Business 101 on postsecondary institution B’s transcript); or 2) the credit is transferred but does not retain its substantive value (i.e., business 101 becomes an undefined distribution credit). While this criterion does not require the transfer credits to be applied in a specific way by the receiving institution, it requires that the credits earned in prison transfer in substantially similar ways to those earned at similar programs at other locations of the postsecondary institution. For example, Business 101 taught at the postsecondary institution’s main campus should transfer in a substantially similar way to Business 101 taught at the PEP.

To assess the PEP’s performance on this criterion, the oversight entity could request information about the articulation agreements (credit transfer agreements between postsecondary institutions) to which the postsecondary institution is a party and the ways in which the PEP credits are governed by that agreement as compared to credits taught in similar programs at the postsecondary institution’s other locations.¹⁵ Another way could be for the oversight entity to request copies of transcripts for students in PEPs and students in similar programs at the postsecondary institution’s other locations to see if there are any differences in how courses are articulated and whether those differences affect the transferability of credits.

Criterion #3

“(iii) Whether the prison education program’s offering of relevant academic and career advising services to participating confined or incarcerated individuals, while they are confined or incarcerated, in advance of reentry, and upon release, is substantially similar to offerings to a student who is not a confined or incarcerated individual and who is enrolled in, and may be preparing to transfer from, the same institution, accounting for the unique geographic and other constraints of prison education programs”.¹⁶

Students typically have access to academic and career advising offered by their postsecondary institution. Models for offering these services vary and each postsecondary institution offering a PEP may have a different

approach to these services on campus. For example, some postsecondary institutions require that students engage in at least one academic advising session per semester, making it a pre-requisite to enrollment in the following term. Similarly, some postsecondary institutions require students to complete career advising milestones, such as drafting a resume, conducting a job search, or securing an internship in order to complete their academic programs, while others may make career advising available but not require that students participate.

To assess the performance of the PEP, the oversight entity could request a description of the services offered at other locations of the postsecondary institution and those offered at the PEP and the policies governing participation for comparison. Alongside this narrative, the oversight entity could request data that describes the frequency with which incarcerated students engage in these services. For example, a count of the number of group and individual academic and career advising sessions held, any special events that took place, and the frequency with which each student participated.¹⁷ Another source of data could be end-of-semester student evaluation surveys in which PEP students respond to questions about the academic and career support they received, as compared to the responses of students in other locations of the postsecondary institution.

The postsecondary institution may offer academic and career services in prison using different staffing models than they do in other locations. This may be a strategy to consider the unique geographic and other constraints of prison education programs, as is anticipated by the regulations. Some postsecondary institutions hire staff specifically to provide these services at the PEP location, rather than tasking campus-based staff with travelling to the prisons. This can offer an opportunity for PEP-based staff to develop dedicated knowledge and skills when advising incarcerated students, enhancing the assistance they offer and tailoring it to the specific circumstances of people in prison. Washington State, for example, has educational navigators working both in their prisons and on every community postsecondary institution campus, as well as one four-year postsecondary institution. Several of these navigators are formerly incarcerated and have strong ties to the reentry community.¹⁸

Criterion #4

(iv) Whether the institution ensures that all formerly confined or incarcerated individuals are able to fully transfer their credits and continue their programs at any location of the institution that offers a comparable program, including by the same mode of instruction.”¹⁹

Some students enrolled in PEPs will not complete their programs of study before they are released from prison. This criterion requires postsecondary institutions offering PEPs to ensure that students have a path to completion after release. For some postsecondary institutions, this criterion will be simple to meet. Community postsecondary institutions are typically open access institutions, meaning any person who meets the minimum requirements for study can enroll. Other institutions may have different barriers to entry. These can be academic (i.e., requiring students to document their academic performance to complete for entry) or technical (i.e., requiring students to live on campus if they enroll). Some postsecondary institutions screen for criminal histories at application, and while few explicitly state that those with a history to report will be rejected, the chilling effect of these questions are well documented.²⁰ Students confronted with this question often do not complete the application and those that do face complex and confusing requests from the postsecondary institution to supply various documentation to facilitate the postsecondary institution’s review.

There are a few ways that oversight entities could request postsecondary institutions report on their adherence to this criterion. Oversight entities could

- Have their postsecondary institution partner attest in their MOU or other formal document that they will adhere to this criterion.
- Request that postsecondary institutions state whether a PEP student would have to reapply to enroll at another location of the postsecondary institution and if so, whether the application has the criminal history question on it.
- Request data from postsecondary institutions showing how many students were released without completing their academic programs, how many re-enrolled at another location of the postsecondary institution, or – if required – re-applied post-release and how many of those students were accepted or

denied.²¹

Oversight entities could also ask postsecondary institutions to describe the ways in which they have communicated these policies to their PEP students. This could be done by including this information in their student handbook or course catalog and verbally disclosing this information to potential students before they register.²²

b) Optional Additional Criteria

In addition to the required criteria oversight entities must consider when evaluating PEPs, the regulations contain optional criteria that oversight entities could include in their BID. These criteria and suggestions for measuring PEP performance are contained in Appendix A. Briefly, the criteria include completion rates, recidivism rates, continued enrollment, earnings, and other indicators deemed pertinent to program success.

Vera and the BID Council recommend that should oversight entities include any of these criteria be included as part of the BID that they are strategic, measurable, and relevant. If an oversight entity chooses to evaluate any of these areas, the evaluation must be used to determine if the PEP is operating in the best interest of students. Some additional data to request from the postsecondary institutions could include

- The number of training sessions provided to instructors and the attendance at each session
- The number of tutoring sessions offered and the frequency with which students participate
- The number and type of postsecondary institution readiness courses available (postsecondary institution experience, math or English preparation) and the number of students who participate
- Student learning outcomes for PEP students as measured against the same metrics for students in other locations of the postsecondary institution.

To interrogate the contributions of the oversight entity to the PEP, BID criteria could also include items such as the

- Number of trainings held by the oversight entity for incoming faculty and the attendance at these sessions
- Number of trainings held for corrections staff in the PEP and attendance at these sessions
- Frequency of class disruptions such as cancellations, delayed starts, early closures, and reasons why
- Percentage of materials approved/rejected for use in the programs
- Frequency of student transfers that disrupt education.

To better understand the experiences of the faculty teaching in the PEP, the BID could include a request for survey data collected by the postsecondary institution.²³ This could look at issues such as the

- Adequacy of the materials they are authorized to use in prison
- Quality of the classroom in terms of space, sound, and equipment
- Preparedness of the students for class sessions and assignments
- Quality of the training received from the postsecondary institution and the oversight entity in advance of teaching in the prison.

Student surveys offer invaluable insights into the quality of programs offered in prison.²⁴ However, students in this setting may be concerned that a negative review will lead to cancellation of the PEP with no program to replace it. Surveys of students in prison should be administered with assurances that the information will be used to improve quality.²⁵ Some examples of topics to survey students on, include

- Satisfaction with the quality of the faculty and materials
- Adequacy of access to places and times to study and complete assignments
- Adequacy of access to technology necessary to complete assignments
- Satisfaction with the quality and frequency of academic and career advising offered
- Satisfaction with the quality and rigor of the courses provided.

For PEPs that prepare students for jobs with a specific set of known employers, input from these stakeholders could be valuable to reviewing the program. Oversight entities could survey these employers, asking for input on items such as the following

- The number of staff hired from the PEP and their tenure with the employer
- Supervisor satisfaction with employee skills
- The number and type of engagements the employer had with the students in the PEP before hiring (i.e., job or reentry fairs, classroom visits, pre-release interviews)
- Willingness to hire additional employees trained by the PEP.

c) Drafting the Report Template

Once the oversight entity has defined the data it plans to collect, it should draft a report template for postsecondary institutions to complete. This should include clear prompting questions that describe the data requested and the parameters the postsecondary institution should apply to it when filling out. The template should also include requests for narrative responses from the postsecondary institutions. These should accompany each requested data point, giving the postsecondary institution the necessary opportunity to give context and provide explanations of any important differences between the data describing the PEP as compared to other locations of the postsecondary institution. These explanations are necessary to meet the requirement of the regulations to account for the unique circumstances of prison. Finally, Vera and the BID Council recommend that at least one open-ended question be included on the template that asks postsecondary institutions to describe their efforts to serve the best interests of the students in their own words.

Before finalizing, the oversight entity should circulate this report template to its stakeholders selected for the feedback process and to the postsecondary institutions operating PEPs in its facilities for review and feedback. Some questions to consider asking these partners include

- Are any key data points missing that we should assess to understand the performance of PEPs?
- Are there any items you recommend be removed from this report? If yes, why?
- Does gathering the data for this report present any challenges?
- Is the burden of work in preparing this report reasonable?
- Will this report template give you what you need to ensure educational quality and improve the effectiveness of prison education programs.

In drafting the report template, the questions asked should map clearly to the required or additional criteria the oversight entity is assessing. For example, questions related to academic or career advising should have a clear heading indicating that this is why the oversight entity has included the question in the report. Similarly, any questions that relate to criteria added by the oversight entity should be demarcated in the report. If the oversight entity intends to weigh responses to required criteria differently than responses to the optional criteria this should be explained in the report template so that postsecondary institutions operating PEPs understand the meaning and purpose for each question in the report.

d) Signing or Amending a Data Sharing Agreement

Once the oversight entity determines what BID data it will request to measure the performance of its PEPs, the postsecondary institution and oversight entity may need to revise any previously signed data sharing agreements to cover data included in the report.²⁶ Whether such an agreement needs to be embarked on or revisited can be determined by the postsecondary institution's and the oversight entity's legal counsel.

e) Formulating a Feedback Template

The oversight entity and stakeholders will need to capture their assessment of the PEP's performance. Vera and the BID Council identified three ways to do this. First, oversight entities could request qualitative and open-ended comments, enabling stakeholders to share their feedback on any aspect of the report. Second, oversight entities could request reviewers to use a scoring tool to quantify their assessments of the PEPs in a points score. Third, a combination of these two approaches that asks reviewers to assign a score but reserves a certain

discretionary number of points for the reviewer to assign. These could be operationalized in the following way:

Qualitative	Quantitative	Qualitative and Quantitative
A yes/no judgement based on whether the PEP is substantially similar after reviewing all materials	A ranking framework assigning points to each question with the score linked to a specific quality judgement (e.g., fail = 0, adequate = 1; exceeds = 2)	A ranking framework with a set of points reserved for the reviewer's discretion based on their overall judgement of the quality of the program.

If an oversight entity elects to use a points system to determine the outcome of the BID, it could use the following approaches or others determined by the oversight entity to set a threshold for passing:

- A points system with a threshold for passing on the mandatory criteria
- A points system for passing based on all criteria
- A system based on the outcome recommendation of the stakeholders

Each approach offers trade-offs. For example, if the oversight entity has included multiple criteria in addition to the required criteria, a PEP may perform poorly on the required criteria but well on the additional criteria. This could put the PEP in a position to pass based on points score alone. In another example, the program may be performing well on all measures but not recommended for a pass by the reviewer based on criteria not included in the review. The oversight entity should determine how it will approach these scenarios and, to the best of its ability, describe its plans to the stakeholders before they provide feedback.

Like the report template, the feedback template should include at least one open-ended question designed to capture the reviewer's overall assessment of the program. For continuous quality improvement, it could also include a question about what would have made the process better for the reviewer. For example,

- Overall, and in light of the totality of the circumstances, do you think this PEP is operating in the best interest of students? Please explain why or why not.
- In your view, how could the college improve its PEP in advance of the next BID?
- What additional information would have helped you to better assess this PEP?
- What questions do you have about this PEP that were not answered by the materials provided?
- Do you have any additional feedback to offer about this PEP?

The Maryland Department of Public Safety and Correctional Services (MDPSCS) created a rubric that includes the four required criteria as well as several of the suggested criteria. For their BID rubric, MDPSCS used a rating scale of Does Not Meet Expectations, Meets Expectations, and Exceeds Expectations.²⁷

Step Three: Completing the BID and Planning for the Future

The oversight entity must determine whether the PEP passed or failed the BID and provide documentation of its decision to the postsecondary institution. After the first BID, the process must be repeated at a minimum of 120 days before each time the postsecondary institution updates its Program Participation Agreement (PPA) with ED. The PPA serves as the postsecondary institution's authorization to administer federal financial aid. It is updated every six years. Depending on the point in the PPA cycle that first BID is completed, the next one could be conducted anywhere from one to six years in the future. The performance period for the next BID starts at the conclusion of the previous one. In practice, the oversight entity can ask for reporting from the postsecondary institution or require more frequent BID reviews at its discretion. In this section, Vera and the BID Council recommend strategies for completing the BID and planning for the future.

a) Documenting Feedback and Determining the Outcome

To complete the feedback process, the oversight entity should document stakeholder contributions, making note of the comments it receives and saving copies of the documents received or minutes of meetings recorded in which this feedback was shared. The oversight entity will also need to conduct and document its own analysis of the PEP and issue its determination of whether the PEP is operating in the best interest of the students. The

oversight entity is empowered to consider “the totality of the circumstances” in issuing its decision. Depending on the specific circumstances of the PEP, the oversight entity could weigh some criteria more heavily than others. As with the stakeholder feedback, the oversight entity should document this analysis and determination.

The oversight entity will also need to decide how to approach integrating the feedback from the stakeholders and accounting for the totality of the circumstances in issuing its judgement. As noted above, Vera and the BID Council identified three decision making modes for incorporating stakeholder feedback: consensus, majority rule, or unilateral decision making with stakeholders as advisors to the oversight entity. How the feedback will be incorporated is at the discretion of the oversight entity.

The final determination could be a simple pass or fail, or it could consider additional gradations of performance. Some examples of the final determination that oversight entities could issue for the BID include

- Pass – meets the standards of the BID
- Provisional pass – requires the postsecondary institution to create a plan to improve in certain areas and an interim review (including dates)
- Fail – requires the postsecondary institution to create a plan for each student to complete their program and cease operations.

The consequences for failure are substantial: “If an oversight entity does not find the eligible PEP to be in the best interest of students, the PEP will become a title IV ineligible program. Confined or incarcerated individuals enrolled in the ineligible program may no longer receive Pell Grant funds for any payment period that begins following that determination.”²⁸ Students who enrolled in this PEP may have the Pell funds they used to enroll in this program restored to their lifetime allocation. The regulations also state that if a PEP is failing to meet the students’ best interest, the oversight entity must allow for postsecondary institutions with ineligible programs to reapply within a reasonable time frame.

b) Notifying the Postsecondary Institution of the Outcome

After the oversight entity has come to its determination, it will need to document its decision and share it with the postsecondary institution that is offering the PEP.²⁹ ED’s recently released optional form “Best Interest Determination- Prison Education Program” provides oversight entities with a template to share the results of the BID to their college partner offering the PEP which the college will in turn submit to ED.

The postsecondary institution is tasked with maintaining documentation that memorializes the outcome of the BID and submitting it to their accreditor and ED. The postsecondary institution will likely submit this documentation to its accreditor, which will review and approve the methodology for and outcome of the BID. The accreditor must provide documentation to the postsecondary institution showing that it has completed its review and whether it approves of the methodology. Second, the postsecondary institution must submit the oversight entity’s documentation and the accreditor’s documentation to ED in order to maintain its PEP status. Please note, that the regulations state that if a PEP fails to meet the students’ best interest, the oversight entity must allow for postsecondary institutions with ineligible programs to reapply within a reasonable time frame.

While not required, Vera and the BID Council recommend that this documentation include a report of the feedback received and the oversight entity’s own analysis of the PEP’s performance. This could present opportunities for the oversight entity to offer early warnings on areas of performance about which stakeholders raised concerns and impose interim requirements for the PEP to meet before the next BID. It also offers an opportunity to note highlights in the review and practices it would like to see continued or strengthened.

c) Writing a Policy and Planning for Future BIDs

At minimum, postsecondary institutions offering a PEP must complete the BID in conjunction with each recertification of their PPA with ED. In practice, the oversight entity can request data from the postsecondary institutions or full BID reviews more frequently at their discretion. To keep PEPs in compliance with the regulations, the oversight entity should collect relevant dates and set a timeline for subsequent BIDs for each PEP.

In addition, Vera and the BID Council recommend that the oversight entity draft a policy, procedure, or guide that documents how the BID will be conducted. This document could contain descriptions of the approaches the oversight entity chose to approach the feedback process, definitions of eligible stakeholders, structures for the provision of feedback, and systems for how the input will be considered, as well as templates created for the BID.

Finally, Vera and the BID Council recommend that the oversight entity revisit and refine the BID after each review and prior to the start of the next review period so that the oversight entity and college can revise their memorandum of understanding. Doing this will keep the criteria relevant to the current circumstances of program operations.

¹ For a summary of the FAFSA Simplification Act of 2020, see: The Congressional Research Service, The FAFSA Simplification Act, (Washington, DC: Congressional Research Service, 2022), <https://crsreports.congress.gov/product/pdf/R/R46909>.

² For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

³ As defined in the federal regulations: “Oversight entity means— (1) The appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities; or (2) The Federal Bureau of Prisons.” <https://www.govinfo.gov/content/pkg/FR-2022-10-28/pdf/2022-23078.pdf>

⁴ For a compilation of resources and guidance, see: US Department of Education, *Prison Education Programs*, (Washington, DC: US Department of Education, 2023), <https://fsapartners.ed.gov/knowledge-center/topics/prison-education-programs>

⁵ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>; for ED's Prison Education Programs Questions and Answers, see [Prison Education Programs Questions and Answers | U.S. Department of Education](#); for ED's optional reporting form, Best Interest Determination- Prison Education Program, which is currently out for public comment, see: [Federal Register :: Agency Information Collection Activities; Comment Request; Best Interest Determination-Prison Education Program](#)

⁶ Faiza Chappell, *Stakeholder Collaboration for Postsecondary Education in Prison* (New York: Vera Institute of Justice, 2024) <https://vera-institute.files.svcdn.com/production/downloads/publications/Stakeholder-Collaboration-for-Postsecondary-Education-in-Prison-Report.pdf>.

⁷ See <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2023-03-29/eligibility-confined-or-incarcerated-individuals-receive-pell-grants-updated-sept-30-2024>

⁸ ED has issued updated guidance to accreditors about their role in the PEP approval and post-approval process. See <https://fsapartners.ed.gov/sites/default/files/2023-05/PEPAccreditationFactSheet.pdf> for more information.

⁹ See Appendix B for [Louisiana's Proposal for the Establishment of an Advisory Committee on Pell Reinstatement 2023](#).

¹⁰ Several models of feedback are currently in use across the country on topics related to higher education in prison. Examples can be found in Vera's recent publication, *Stakeholder Collaboration for Postsecondary Education in Prison* (New York: Vera Institute of Justice, 2024).

¹¹ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>

¹² Ibid.

¹³ See Appendix C for a template from Lee College in Texas that captures this information [College Annual Reporting Requirements Experience, Credentials and Rate of Turnover of Instructors in Academy Programs at College](#)

¹⁴ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

¹⁵ See Appendix D for a template from Lee College for listing transferability between PEP and students not in a PEP [College Annual Reporting Requirements: Transferability Between PEP and Non-PEP Programs](#).

¹⁶ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

¹⁷ See Appendices E and F for an example of this kind of reporting: [Semester Reporting Requirements: Academic and Career Advising Services](#), [College Annual Reporting Requirements: Academic and Career Advising Services](#).

¹⁸ For information about Washington State's Navigator model see: Reentry Education Navigators brochure <https://www.doc.wa.gov/docs/publications/500-BR007.pdf>

¹⁹ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

²⁰ See <https://www.aacrao.org/resources/newsletters-blogs/aacrao-connect/report-criminal-and-disciplinary-history-in-college-admissions>

²¹ See Appendix G for a template for this type of report [College Annual Reporting Requirements: Post-Release College Enrollment and Attainment](#).

²² It is important to note that there is a federal requirement of public disclosure where students can complete degree and funds to complete degree (federal requirement) (Public disclosure institutional information [34 CFR 668.43(a)(5)(vi)]).

²³ See Appendix H for a template survey: [Prison Education Program \[PEP\] Instructor Survey](#)

²⁴ See Appendix I for a template: [Prison Education Program \[PEP\] Student Survey](#)

²⁵ Formerly Incarcerated College Graduate Network (FICGN) “PEP Course Evaluation Guide”

https://ficgn.org/education#pep_course_evaluation

²⁶ See Appendix J for an example data sharing agreement: [Vera’s Data Sharing Agreement template](#).

²⁷ See Appendices K and L for [Table 1: Evaluation Criteria for Best Interest Determination \[BID\]](#), [Table 2: Evaluation Criteria for Best Interest Determination \[BID\]](#).

²⁸ See <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2023-03-29/eligibility-confined-or-incarcerated-individuals-receive-pell-grants-updated-sept-30-2024>

²⁹ See Appendix M for an example of this type of letter: [CELA BID Supplemental Materials Packet BID Approval Letter Template](#)

APPENDIX

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Appendix A

BID Optional Criteria

In the federal regulations there are six criteria that the oversight entity may require PEPs to meet as part of the BID. As noted below, documenting performance related to some of these criteria could present unique challenges to postsecondary institutions offering PEPs. At the same time, some of the criteria may be items that oversight entities already track. If the oversight entity decides to include any of these criteria in the BID, Vera and the BID Council recommend the oversight entity, postsecondary institution offering a PEP, and stakeholders consider any unintended consequences of holding PEPs accountable to these criteria that could produce adverse outcomes. Following each criterion is a discussion of the challenges and opportunities that may come from assessing a PEP on it.

Criterion #5

“(i) Whether the rates of recidivism, which do not include any recidivism by the student after a reasonable number of years of release and which only include new felony convictions, defined as each sentence of imprisonment exceeding one year and one month (see United States Sentencing Guideline section 4A1.1(a)), meet thresholds set by the oversight entity”.¹

Oversight entities, rather than postsecondary institutions, are best positioned to track and report on recidivism. To measure recidivism in the BID, the corrections agency itself should calculate the outcome because only the corrections agency has the data necessary to determine whether a student has returned to prison. To assist with this calculation, oversight entities may request academic information on the students released from prison during the operation of the PEP or within a certain timeframe from release. This data should be available from the postsecondary institution’s registrar or office of institutional research. Data requested could include the number of credits completed, whether the student re-enrolled at the postsecondary institution after release, or whether they completed a degree. Tracking these characteristics against recidivism outcomes that the corrections agency has access to could provide insights into the mechanisms by which postsecondary education reduces recidivism.

Criterion #6

“(ii) Whether the rates of completion reported by the Department, which do not include any students who were transferred across facilities and which account for the status of part-time students, meet thresholds set by the oversight entity with input from relevant stakeholders”.²

Nationally, little is known about completion rates for students in prison. Collecting information on time to degree could greatly benefit the field of higher education in prison, but setting a threshold may not be appropriate until more about time to completion is known.

If an oversight entity includes this criterion in its BID, postsecondary institutions’ compliance and reporting offices should be able to provide it. These offices already typically gather completion rates for various purposes, including reporting requirements to their accreditor and ED.³

Criterion #7

“(iii) Whether the rate of confined or incarcerated individuals continuing their education post-release, as determined by the percentage of students who reenroll in higher education reported by the Department, meets thresholds established by the oversight entity with input from relevant stakeholders”.⁴

This criterion suggests that ED will provide data on re-enrollments among people who leave prison after

having enrolled in a PEP. If this data is available and can be analyzed by PEP attended before release, then the oversight entity could review re-enrollment rates and consider setting a threshold. Another data source for this could be the National Student Data Clearinghouse.⁵ However, life after release from prison is challenging and each person will set individual priorities for their first months and years after prison. Re-enrollment could be a high or a low priority depending on the other needs with which the person is contending. Setting a threshold for this criterion will be challenging.

For a different perspective on this, the oversight entity could request the postsecondary institution report only on their PEP students who continue at their own postsecondary institution after release, or request information on the supports provided to formerly incarcerated students on their campuses in the community.

Criterion #8

“(iv) Whether job placement rates in the relevant field for such individuals meet any applicable standards required by the accrediting agency for the institution or program or a State where the institution is authorized. If no job placement rate standard applies to prison education programs offered by the institution, the oversight entity may define, and the institution may report, a job placement rate, with input from relevant stakeholders”.⁶

This criterion presents challenges for reporting by postsecondary institutions offering PEPs. Because job placement happens after a student completes a postsecondary program, the postsecondary institution does not have direct access to this data. In addition, job placement is likely to be delayed by the completion of a prison term and the challenges of reentry. Any job placement rate that appropriately takes into account the unique circumstances of prison will need its own methodology for that purpose. Programs that do not have an applicable standard to translate to their PEP graduates can similarly adapt the approach they use to report job outcomes to other entities, such as postsecondary institution ranking services or accreditors.

One way postsecondary institutions may obtain this information from alumni associations, post-graduation surveys of students, chambers of commerce, or state workforce offices. Another approach is to engage another state agency directly, rather than requiring each postsecondary institution to calculate these measures individually. Maryland’s Department of Public Safety and Corrections Services works directly with the Maryland Longitudinal Data System Center to collect various metrics including job placement rates, rates of employment, and wage data per student.⁷

Criterion #9

“(v) Earnings for such individuals, which could include measuring such earnings against a threshold established by the oversight entity”.⁸

There are two issues presented by this criterion. First, it presents challenges for reporting by postsecondary institutions. Because earnings would be determined after a student completes their program and secures a job, the postsecondary institution does not have direct access to this data. Postsecondary institutions that track earnings of alums after completion can adapt the approach they use for these purposes. Second, it tasks the oversight entity with setting a threshold against which earnings should be compared. Formerly incarcerated people typically earn less than people who do not have conviction histories, so this could make setting an appropriate threshold challenging.

One way to approach this is to request that the postsecondary institution use earnings by students who were not incarcerated as the threshold.⁹ For example, postsecondary institutions may obtain this information from their alumni association. Another strategy could be to use a living wage standard for the state. As noted above, another approach is to engage another state agency directly, rather than requiring each postsecondary institution to calculate these measures individually. Maryland’s Department of Public Safety and Corrections Services works directly with the Maryland Longitudinal Data System Center to

collect various metrics including job placement rates, rates of employment, and wage data per student.¹⁰

Criterion #10

“(vi) *Other indicators pertinent to program success* as determined by the oversight entity”.¹¹

This criterion leaves an opening for oversight entities to set additional measures by which to evaluate the performance of the college. Vera and the BID Council recommend that these be strategic, measurable, and relevant. Some criteria to consider are included in the body of the report above in Step Two item b) Considering Additional Criteria.

¹ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

² Ibid.

³ See Appendix N for a template created by Lee College to list the completion numbers of PEP students ([College Annual Reporting Requirements: Degree/Certificate Completions](#)).

⁴ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

⁵ For more information about the National Student Data Clearinghouse, see: <https://www.studentclearinghouse.org/solutions/ed-compliance/>

⁶ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

⁷ For more information about the Maryland Longitudinal Data System Center, see: <https://mldscenter.maryland.gov/welcome-index.html>

⁸ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.

⁹ See Appendix O [College Annual Reporting Requirements Employment and Earnings of College Graduates](#)

¹⁰ For more information about the Maryland Longitudinal Data System Center, see: <https://mldscenter.maryland.gov/welcome-index.html>

¹¹ For the final regulations released by the ED, see: Pell Grants for Prison Education Programs, 87 Fed. Reg. 65426 (October 28, 2022) (to be codified as 34 C.F.R. § 600, 668, 690), <https://perma.cc/VGX2-MUMX>.



Appendix B

PROPOSAL FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE ON PELL REINSTATEMENT 2023

I. PURPOSE:

This committee shall review published rules, establish policies and procedures for the purpose of the expansion of Pell in July 2023, with a focus on:

- development of a Memorandum of Understanding (MOU) between Eligible Educational Institutions (EEI) and the DPS&C,
- identifying postsecondary institutions working in the best interest of the Louisiana Department of Public Safety and Correction's (DPS&C) incarcerated students, selecting postsecondary institutions that meet the required criteria from U.S. Department of Education (DOE),
- selecting quality Prison Education Programs (PEP),
- determine DPS&C staffing needs,
- ensure that enrollment and participation adheres to DEI Guidelines,
- make recommendations based on the results of such work for consideration prior to the Pell Reinstatement date of July 1, 2023.

A committee report shall be submitted to the Assistant Secretary-Division of Reentry the results of its work at least once each quarter.

In the event that a Member of the Committee is absent from a meeting, an approved designee may substitute for the absent Member and shall participate in discussions during such meeting. Designees must be approved by the committee chair and be a representative of the same organization or stakeholder group.

II. PROPOSED COMMITTEE:

Up to (14) Members:

- (vi) One (1) of whom shall be a member of the Louisiana Board of Regents,
- (vi) One (1) of whom shall be a member of the Louisiana Department of Education,
- (vi) One (1) of whom shall be a member of the Secretary's Families of Incarcerated Committee, as selected by the Secretary,
- (vi) Two (2) of whom shall be an incarcerated student from two (2) state facilities, selected from nominations submitted by the facility wardens upon request of the committee chair,
- (vi) Six (6) of whom shall be employees of The Louisiana Department of Public Safety & Corrections Division of Reentry and Education,
 - One (1) Deputy Assistant Secretary-Reentry and Education
 - One (1) Education Director



- One (1) State Education Coordinator
- One (1) State Career and Technical Education (CTE) Coordinator
- One (1) Director of Workforce Strategy
- One (1) Member of the Parole Board
- One (1) Designee from DPS&C Diversity, Equity, and Inclusion Department

- (vi) Two (2) of whom shall represent organizations that advocate for incarcerated individuals. The committee chair shall solicit nominations from known organizations and the Secretary shall appoint individuals from the list of nominees to fill each vacant seat.

Respectfully submitted,

Muriel M. Leewright DPS&C
Education Director

Dated: January 19, 2023



Appendix C

**COLLEGE ANNUAL REPORTING REQUIREMENTS: EXPERIENCE, CREDENTIALS
AND RATE OF TURNOVER OF INSTRUCTORS IN ACADEMIC PROGRAMS AT
COLLEGE**

COLLEGE: _____

ACADEMIC YEAR: _____

**TABLE 1: LISTING OF INDIVIDUAL FACULTY IN ACADEMIC PROGRAMS AT THE
PRISON EDUCATION PROGRAM**

INSTRUCTOR NAME	INSTRUCTOR ID	HIGHEST CREDENTIAL	YEARS OF PROFESSION AL EXPERIENCE	YEARS OF TEACHING EXPERIENCE	YEARS EMPLOYED BY COLLEGE AS AN INSTRUCTOR

**TABLE 2: COMPARISON OF ACADEMIC FACULTY WORKING IN THE PRISON EDUCATION
PROGRAM TO THE MAIN CAMPUS**

	PRISON BASED INSTRUCTORS	MAIN CAMPUS INSTRUCTORS
% FACULTY WITH DOCTORAL DEGREE		
% FACULTY WITH MASTERS DEGREE		
% FACULTY WITH BACHELORS DEGREE		
% FACULTY WITH LESS THAN BACHELORS DEGREE		
% FACULTY WITH 10+ YEARS PROFESSIONAL EXPERIENCE		
% FACULTY WITH 5+ YEARS PROFESSIONAL EXPERIENCE		
% FACULTY WITH 10+ YEARS TEACHING EXPERIENCE		
% FACULTY WITH 5+ YEARS TEACHING EXPERIENCE		
% FACULTY EMPLOYED 10+ YEARS BY COLLEGE		
% FACULTY EMPLOYED 5+ YEARS BY COLLEGE		



Appendix D

**COLLEGE ANNUAL REPORTING REQUIREMENTS: TRANSFERABILITY BETWEEN
PEP AND NON-PEP PROGRAMS**

COLLEGE: _____

ACADEMIC YEAR: _____

Table 1: List of Identical Programs with Identical Program Completion Requirements

PEP Program	PEP Program Code	Non-PEP Program	Non-PEP Program Code

Table 2: List of Identical Programs with Non-Identical Program Completion Requirements

Table 3: List of PEP Programs Not Offered to Non-PEP Students

**Table 4: Comparison of Identical Program with Non-Identical Program Completion
Requirements**

Comments:	

[illegible]



Appendix F

**COLLEGE ANNUAL REPORTING REQUIREMENTS: ACADEMIC AND CAREER
ADVISING SERVICES**

COLLEGE: _____

REPORTING DATE: _____

TABLE 1: ACADEMIC AND CAREER ADVISING SERVICES		
	PEP	NON-PEP
Number of First Time in College (FTIC) Students		
Number of Advisors (FTE)		
Student - Advisor Ratio		
% FTIC receiving advising before first class day*		
% FTIC receiving advising within 12 months*		
Average advising minutes per student in the first year*		
Description of academic and career advising services provided to PEP student and comments on differences between services provided to PEP and non-PEP students:		

*Optional field



Appendix G

**COLLEGE ANNUAL REPORTING REQUIREMENTS: POST-RELEASE COLLEGE
ENROLLEMNT AND ATTAINMENT**

ACADEMIC YEAR: _____

NUMBER OF STUDENTS RELEASED DURING THE ACADEMIC YEAR

**TABLE 1: PERCENTAGE OF PEP STUDENTS WHO ENROLLED IN POST-SECONDARY
EDUCATION WITHIN 12, 24 OR 36 MONTHS AFTER BEING RELEASED**

	Within 12 Months	Within 24 Months	Within 36 Months
Students who earned an associate degree in PEP			
Students who earned only a Certificate in PEP			
Some college but no degree or certificate in PEP			

**TABLE 2: PERCENTAGE OF PEP STUDENTS WHO EARNED A POST-SECONDARY
CERTIFICATE OR ASSOCIATE DEGREE WITHIN 2, 4 OR 6 YEARS AFTER BEING RELEASED**

	Within 2 years	Within 4 years	Within 6 years
Students who earned an associate degree in PEP			
Students who earned only a Certificate in PEP			
Some college but no degree or certificate in PEP			

**TABLE 3: PERCENTAGE OF PEP STUDENTS WHO EARNED A BACHELOR'S DEGREE OR
HIGHER WITHIN 2, 4 OR 6 YEARS AFTER BEING RELEASED**

	Within 2 years	Within 4 years	Within 6 years
Students who earned an Associate Degree in PEP			
Students who earned only a Certificate in PEP			
Some college but no degree or certificate in PEP			



Appendix H

Prison Education Program (PEP) Instructor Survey

Institution (college/university): _____ Date: _____

Professor/Instructor Name (OPTIONAL): _____ Facility: _____

Classes Taught: _____ Semester: _____

1. Please discuss your past and current teaching experience, both in the community and with the PEP:

2. Please discuss any issues you currently have regarding the PEP, your Institution, DPSCS, or other concerns:

3. Please discuss any positive feedback you have about DPSCS, your Institution and the PEP, or other topics related to students, classes and the Program:

4. How could the Institution and DPSCS work together to make your experience better and that of the students?

5. Are there other concerns, issues, or support that you require to help you do your job better?



Appendix I

Prison Education Program (PEP) Student Survey

Institution (college/university): _____ Date: _____

Student Name (OPTIONAL): _____ Facility: _____

Degree Program: _____ Semester Start Date: _____

1. Have you taken college classes prior to coming to prison? YES or NO
 - a. If YES, please name the Institution and degree program: _____
2. Have you participated in any other Higher Education PEP or Correspondence Course?
YES or NO
3. Did the Institution provide you with support when filling out the FAFSA and/or other documents?
YES or NO
4. What support services have you been offered by the Institution? *Circle all that apply:*
 - a. Career Counseling (*i.e. discussed what jobs are available with your chosen degree*)
 - b. Academic Advising (*i.e. help determining what classes to take*)
 - c. Individualized Program Planning (*i.e. designing the degree program around your individual needs*)
 - d. Reentry Support (*i.e. discussed post-release credit transfer and/or other opportunities and services*)
 - e. Financial Aid/FAFSA (*i.e. explaining available aid and support with filling out financial aid forms*)
 - f. Other: _____
5. Have your instructors provided you with enough support to ensure your success in the program?

YES or NO
6. Were you able to take advantage of technology during your classes?

YES or NO
7. Does the Institution provide classes via Virtual, In-Person, or a Hybrid model? _____
8. At the end of your program, what will you earn?

Circle: Certification - AA Degree - BA Degree - BS Degree
9. Please discuss any issues or concerns you currently have regarding the PEP, Institution, etc.:



10. Please discuss any positive feedback you have about the PEP, Institution, DPSCS, or other topics related to your classes and degree:

Appendix J

To: Interested Stakeholders
From: Vera Institute of Justice
Date: November 6, 2023
RE: Data Sharing Agreement Template

**Data Sharing Agreement between [Name of Institution of Higher Education] and
[Name of Oversight Entity]**

As referred to in the memorandum of understanding between [Name of Institution of Higher Education] (“[Acronym or short name for IHE]”) and [Name of Oversight Entity] (“[Acronym or short name for Oversight Entity]”), this data sharing agreement documents the understanding between [Name of Institution of Higher Education] (“[Acronym or short name for IHE]”) and [Name of Oversight Entity] (“[Acronym or short name for Oversight Entity]”) regarding data use and sharing. This data sharing agreement is to further the delivery of a Prison Education Program (hereafter “PEP”) by [Acronym or short name for IHE] to confined or incarcerated individuals under the jurisdiction of [Acronym or short name for Oversight Entity], in which students are funded through the Federal Pell Grant Program. [Acronym or short name for IHE] operates under Program Participation Agreement [Office of Postsecondary Education Identifier (OPE ID)].¹

I. Practice Overview

Postsecondary education (PSE) has positive effects for students who are incarcerated their families and communities, public safety, safety inside prisons, and government budgets. People who participate in postsecondary education in prison describe the experience as transformative, pushing them to develop new identities, perspectives, and goals and to focus on self-reflection and improvement.² PSE provides incarcerated students and formerly incarcerated alumni with knowledge, skills, and connections they can use to benefit their children and families, multiplying the impact of a single college degree.³ PSE is becoming increasingly essential for incarcerated students’ post-release employment and successful reentry, as 70 percent of all jobs in 2027 will require postsecondary education and training beyond high school.⁴ Further, this avenue for upward mobility is particularly felt among people of color, who disproportionately make up the prison population.⁵

As incarcerated people achieve higher levels of education, their likelihood of recidivism decreases.⁶ Incarcerated people who participate in postsecondary education programs have 48 percent lower odds of returning to prison than those who do not.⁷ These reductions in incarceration have benefits not only for formerly incarcerated students and for public safety, but also for taxpayers, with every dollar invested in prison-based education yielding more than four dollars in taxpayer savings from reduced incarceration costs.⁸ Finally, prisons with PSE programs have fewer violent incidents than prisons without them, creating safer working conditions for staff and safer living environments for incarcerated people.⁹

Pell Grants are awarded to undergraduate students who have documented financial need and who have not yet earned a bachelor’s or higher degree.¹⁰ Between the advent of the Pell Grants program in 1972 and the Violent Crime Control and Law Enforcement Act of 1994, Pell Grants were the main source of funding for students who were incarcerated, and when people in prison became ineligible for this source of funding in 1994, the number of PEPs reduced quickly and dramatically.¹¹

The Consolidated Appropriations Act, 2021 added section 484(t) to the Higher Education Act (HEA) to

formally establish Pell Grant eligibility for confined or incarcerated individuals, as long as they are enrolled in a PEP as defined under the HEA, effective July 1, 2023.¹²

II. Purpose of this Data Sharing Agreement

The final regulations under Pell Grants for Prison Education Programs establish various reporting requirements for postsecondary institutions offering PEPs. Pursuant to section 668.239 (c), [Acronym or short name for IHE] is required by the Department of Education to report information about transfer and release dates of confined or incarcerated individuals through an agreement with [Acronym or short name for Oversight Entity].¹³

III. Data Collection

- a. *Students.* Any confined or incarcerated individual under the jurisdiction of [Acronym or short name for Oversight Entity] enrolled in [Acronym or short name for IHE] during the relevant time period [INSERT RELEVANT TIME PERIOD].
- b. *In general.* [Acronym or short name for Oversight Entity] will provide [Acronym or short name for IHE] the release or transfer date of all confined or incarcerated individuals who participated in [Acronym or short name for IHE] [INSERT RELEVANT TIME PERIOD] at [AGREED UPON REPORTING INTERVAL¹⁴]. Data to be provided for each individual include:
 - Name/Identification number
 - Date(s) of transfer
 - Date(s) of release
- c. *Transfer.* [Acronym or short name for Oversight Entity] will transfer the data to [Acronym or short name for IHE] via a [INSERT RELEVANT TRANSFER PROCEDURE]. The data files will be stored [INSERT RELEVANT DATA STORAGE]. Data files will be accessible only [INSERT RELEVANT STAFF WITH ACCESS].

IV. Confidentiality and Disclosure

- a. [Acronym or short name for IHE] will use the information gathered for required reporting purposes to the Department of Education only and will protect the data from public disclosure.
- b. [Acronym or short name for IHE] shall at all times preserve the confidentiality and security of information received from [Acronym or short name for Oversight Entity]. [Acronym or short name for IHE] shall restrict the use and disclosure of information received to those persons or entities (including agents and subcontractors) that have been hired, designated or assigned by [Acronym or short name for IHE].
- c. Data collected will be securely maintained by [Acronym or short name for IHE] staff. The data files will be stored [INSERT RELEVANT DATA STORAGE]. Data files will be accessible only by [INSERT RELEVANT IHE STAFF WITH ACCESS].
- d. The provisions of this Article shall remain in full force and effect following the termination or expiration of this agreement.

V. Miscellaneous

- a. *No assignment of rights.* Neither party may assign its rights under this agreement without the express written permission of the other party. Any assignment that does not adhere to this provision will be deemed null and void.
- b. *Amendment only by mutual agreement.* This agreement may be amended only by mutual, written agreement of the parties. Either party may terminate the agreement with

thirty (30) days written notice to the other.

- c. *Term.* This agreement shall be in effect upon execution until the completion of the agreement (scheduled for [INSERT DATE]). [*The agreement may be extended past that event to a date agreed upon by mutual, written agreement of both parties.*]
- d. *Points of Contact.* To facilitate successful administration of this agreement, each party will designate a principal representative who will act as the contact person for each party.
- e. *Additional data.* Additional data may be requested by ED via the Federal Register and this data sharing agreement will be amended to comply with the timeline(s) to be designated in the Federal Register as needed.

For [Acronym or short name for IHE]:

Name:
Title:
Telephone:
Email:
Address:

For [Acronym or short name for Oversight Entity]:

Name:
Title:
Telephone:
Email:
Address:

The foregoing is understood, accepted, and agreed to by [Acronym or short name for IHE] and [Acronym or short name for Oversight Entity]:

[Acronym or short name for Oversight Entity]:

Name of Authorized Representative

Title

Signature of Authorized Representative

Date

[Acronym or short name for IHE]:

Name of Authorized Representative

Title

Signature of Authorized Representative

Date

¹ PEP includes educational programs offered at a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, juvenile justice facility, or other similar correctional institution, even if a student receives instruction primarily through distance education or correspondence courses at that location. See U.S. Department of Education, “Pell Grants for Prison Education Programs; Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10); Change in Ownership and Change in Control Docket ID ED–2022– OPE–0062,” 2022, 66485, <https://www.govinfo.gov/content/pkg/FR-2022-10-28/pdf/2022-23078.pdf>.

² Lindsey Livingston and Jody Miller, “Inequalities of Race, Class and Place and Their Impact on Post-incarceration Higher Education,” *Race & Justice* 4, no. 3 (2014), 212–245, <https://perma.cc/PDC9-2AKT>; Alexis Halkovic, Michelle Fine, John Bae, et al., *Higher Education and Reentry: The Gifts They Bring* (New York: John Jay College of Criminal Justice, Prisoner Reentry Institute, 2013), <https://perma.cc/E84N-EUN2>; and Carmen Heider and Karen Lehman, “Education and Transformation: An Argument for College in Prison,” *Critical Education*, 10, no. 9 (2019), 1–13.

³ Susan Sturm and Vivian Nixon, *Home-Grown Social Capital: How Higher Education for Formerly Incarcerated Women Facilitates Family and Community Transformation* (Washington, DC: Ascend at the Aspen Institute, 2015), <https://perma.cc/932R-EAUF>.

⁴ Goldie Blumenstyk, “By 2020, They Said, 2 Out of 3 Jobs Would Need More Than a High-School Diploma. Were They Right?” *Chronicle of Higher Education*, January 22, 2020, <https://perma.cc/P6BK-K7V7>.

⁵ Bruce Western and Becky Pettit, “Incarceration & Social Inequality,” *Daedalus* 139, no. 3 (2010), <https://perma.cc/V6V8-ZX2Y>; and Ruth Delaney, Ram Subramanian, Alison Shames, and Nicholas Turner, *Reimagining Prison* (New York: Vera Institute of Justice, 2018), <https://perma.cc/2RHD-VUCK>.

⁶ Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, “Does Providing Inmates with Education Improve Post-release Outcomes? A Meta-Analysis of Correctional Education Programs in the United States,” *Journal of Experimental Criminology* 14, no. 3 (2018), 389–428, <https://perma.cc/NKE4-KDFK>.

⁷ *Ibid.*

⁸ Patrick Oakford, Cara Brumfield, Casey Goldvale, et al., *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison* (New York: Vera Institute of Justice, 2019), <https://perma.cc/YP7W-UJ2J>.

⁹ Amanda Pompoco, John Woolredge, Melissa Lugo, et al., “Reducing Inmate Misconduct and Prison Returns with Facility Education Programs,” *Criminology & Public Policy* 16, no. 2 (2017), 515–547, <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12290>.

¹⁰ <https://studentaid.gov/understand-aid/types/grants/pell>.

¹¹ Charles B.A. Ubah, “Abolition of Pell Grants for Higher Education of Prisoners: Examining Antecedents and Consequences,” *Journal of Offender Rehabilitation* 39, no. 2 (2008), 73–85, https://doi.org/10.1300/J076v39n02_05.¹³ U.S. Department of Education, “Pell Grants for Prison Education Programs; Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10); Change in Ownership and Change in Control Docket ID ED–2022– OPE–0062,” 2022, 66485, <https://www.govinfo.gov/content/pkg/FR-2022-10-28/pdf/2022-23078.pdf>.

¹² U.S. Department of Education, “Pell Grants for Prison Education Programs; Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10); Change in Ownership and Change in Control Docket ID ED–2022– OPE–0062,” 2022, 66485, <https://www.govinfo.gov/content/pkg/FR-2022-10-28/pdf/2022-23078.pdf>.

¹³ *Ibid.*

¹⁴ The recommended reporting interval is two weeks. [Acronym or short name for Oversight Entity] and [Acronym or short name for IHE] may need to consider financial aid operations and facility operations when agreeing upon a reporting interval.



Appendix K

Table 1: EVALUATION CRITERIA RUBRIC FOR BEST INTEREST DETERMINATION (BID)	1 <i>Does Not Meet Expectations</i>	2 <i>Meets Expectations</i>	3 <i>Exceeds Expectations</i>
MUST			
Whether the experience, credentials, and rates of turnover or departure of instructors for the PEP are substantially similar to other programs at the institution			
Whether the PEP offers relevant academic and career advising services to participating confined or incarcerated individuals, while they are confined or incarcerated, in advance of reentry, and upon release, is substantially similar to offerings to a student who is not a confined or incarcerated individual and who is enrolled in, and may be preparing to transfer from, the same institution			
Whether the transferability of credits for courses available to confined or incarcerated individuals (and the applicability of such credits toward related degree or certificate programs) is substantially similar to those at other similar programs at the institution			
Whether the institution ensures that all formerly confined or incarcerated individuals are able to fully transfer their credits and continue their programs at any location of the institution that offers a comparable program, including by the same mode of instruction			
MAY			



Appendix K

Whether the rates of recidivism, which do not include any recidivism by the student after a reasonable number of years of release and which only include new felony convictions, defined as each sentence of imprisonment exceeding one year and one month (see United States Sentencing Guideline section 4A1.1(a)), meet thresholds set by the oversight entity			
Whether the rates of completion reported by the Department, which do not include any students who were transferred across facilities and which account for the status of part-time students, meet thresholds set by the oversight entity with input from relevant stakeholders			
Whether the rate of confined or incarcerated individuals continuing their education post-release, as determined by the percentage of students who reenroll in higher education reported by the Department, meets thresholds established by the oversight entity with input from relevant stakeholders			
Whether job placement rates in the relevant field for such individuals meet any applicable standards required by the accrediting agency for the institution or program or a State where the institution is authorized. If no job placement rate standard applies to prison education programs offered by the institution, the oversight entity may define, and the institution may report, a job placement rate, with input from relevant stakeholders			
Earnings for such individuals, which could include measuring such earnings against a threshold established by the oversight entity			
Other indicators pertinent to program success as determined by the oversight entity			



Appendix L

[illegible]



The experience, credential and rates of turnover or departure of instructors	Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3	
Job placements rates and earnings of released incarcerated students (not mandatory - data will be supplied through state labor and state labor database)	Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3		Circle One: 1 2 3	

Appendix M

BID Approval Letter Template

[CORRECTIONS AGENCY LETTERHEAD]

[ACADEMIC INSTITUTION ADDRESS]

[DATE]

Dear [PEP DIRECTOR],

This letter is to inform you that the Best Interest Determination evaluation has been completed and the Oversight Entity, [CORRECTIONS AGENCY], has determined that **your program is operating in the best interest of students. The program is approved to continue through the end of the next review period, [DATE], in accordance with requirements by the U.S. Department of Education.**

Findings of the evaluation are enclosed. [IF THERE ARE RECOMMENDATIONS, “It is recommended that the following changes are made: ...”]

The Oversight Entity has conducted the Prison Education Program Best Interest Determination process for [ACADEMIC INSTITUTION’S] [DEGREE PROGRAM] at [CORRECTIONAL FACILITY] in compliance with U.S. Department of Education Prison Education Program regulations. The evaluation was triggered by your program being approved by the United States Department of Education as an approved Prison Education Program and in operation for two years.

The factors that were considered in this evaluation were whether:

1. Students have access to a similar experience, turnover of faculty, and credentials
2. Students can transfer their credits upon release similarly
3. Students have comparable access to academic and career advising
4. Students can continue their education at any location of the college post-release
5. [ADDITIONAL CRITERIA]

As part of the evaluation process, feedback was requested from [STAKEHOLDERS], which we considered and utilized to make our decision.

Per the PEP regulations, your institution must maintain this documentation for as long as the program is active or, if the program is discontinued, for three years following the date of discontinuance. Should you have any questions, please do not hesitate to contact [CORRECTIONS REPRESENTATIVE/“me”] at [CONTACT INFORMATION].

Regards,
[CORRECTIONS REPRESENTATIVE]



Appendix N

SEMESTER REPORTING REQUIREMENTS: DEGREE/CERTIFICATE COMPLETIONS

COLLEGE: _____

SEMESTER: _____

[illegible]

Appendix O

COLLEGE ANNUAL REPORTING REQUIREMENTS: EMPLOYMENT AND EARNINGS OF COLLEGE GRADUATES

COLLEGE: _____

REPORTING DATE: _____

TABLE 1: GRADUATE EMPLOYMENT AND EARNINGS FOR TWELVE MONTHS FOLLOWING RELEASE. POPULATION: STUDENTS RELEASED 12-23 MONTHS AGO					
Highest Award	# Students Without Reported Wages	# Students with One or Two Quarters of Wages	Average Earnings	# Students with Three or Four Quarters of Wages	Average Earnings
Basic Certificate					
Advanced Certificate					
Associate degree					

TABLE 2: GRADUATE EMPLOYMENT AND EARNINGS FOR TWO YEARS FOLLOWING RELEASE. POPULATION: STUDENTS RELEASED 24-35 MONTHS AGO					
Highest Award	# Students Without Reported Wages	# Students with One to Four Quarters of Wages	Average Earnings	# Students with Five to Eight Quarters of Wages	Average Earnings
Basic Certificate					
Advanced Certificate					
Associate degree					

TABLE 3: GRADUATE EMPLOYMENT AND EARNINGS FOR THREE YEARS FOLLOWING RELEASE. POPULATION: STUDENTS RELEASED 36-47 MONTHS AGO					
Highest Award	# Students Without Reported Wages	# Students with One to Four Quarters of Wages	Average Earnings	# Students with Five to Twelve Quarters of Wages	Average Earnings
Basic Certificate					
Advanced Certificate					
Associate degree					