

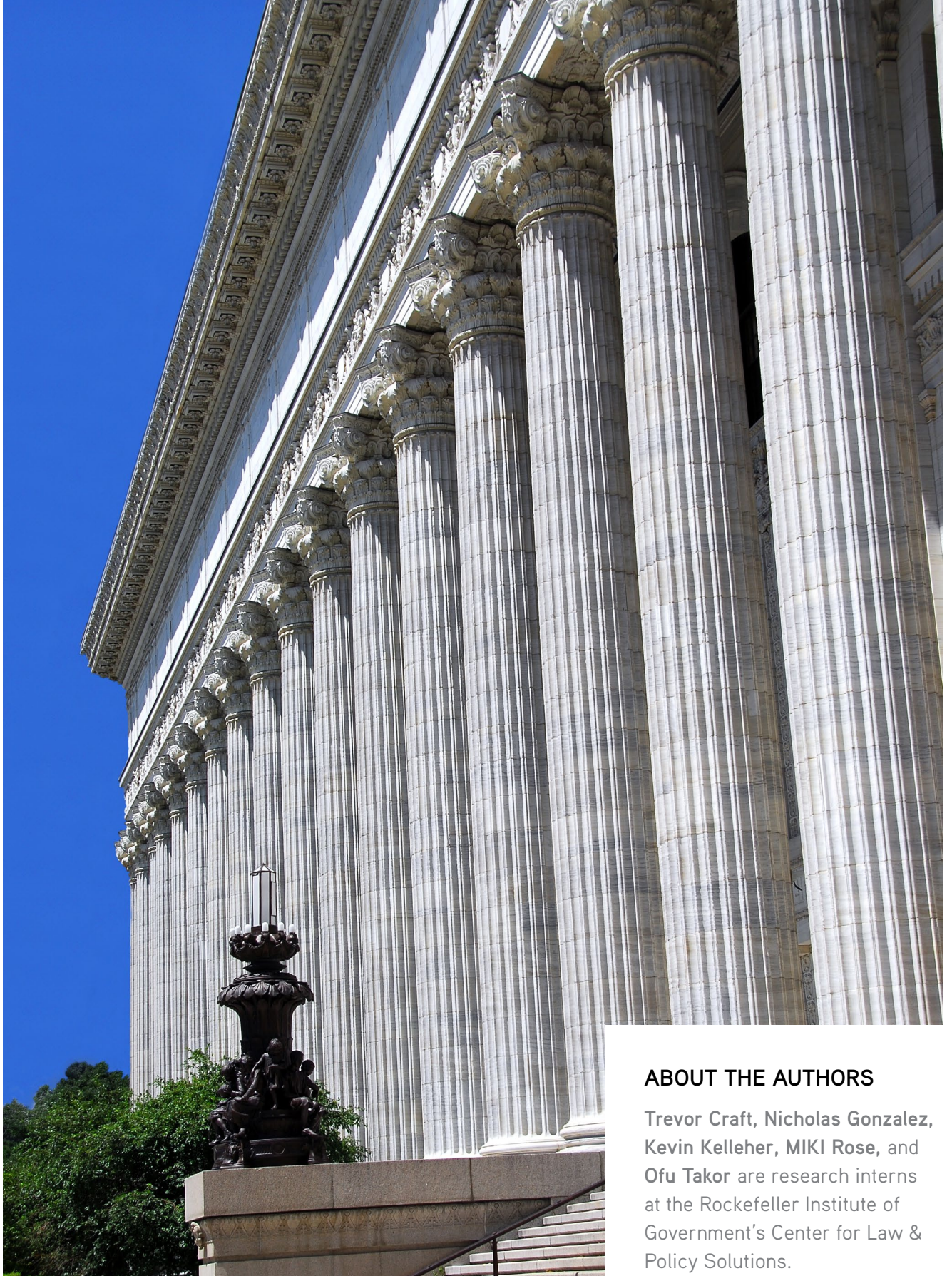
A Second Chance

College-in-Prison Programs in New York State

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A Second Chance: College-in-Prison Programs in New York State

DURING THE 2016 PRESIDENTIAL ELECTION, criminal justice reform emerged as a major political issue. Candidates on both sides of the aisle proposed the revival of community policing, treatment as opposed to incarceration for nonviolent drug offenders, the elimination of harsh mandatory minimum sentences, and abolishment of the death penalty.¹ Though advocates of reform expressed concern that shifting tides in the White House would sweep away progress towards achieving a more just system, President Donald Trump attempted to quell such fears, stating publicly that “Americans from across the political spectrum can unite around prison reform legislation that will reduce crime while giving our fellow citizens a chance at redemption.”²

In December 2018, President Trump signed the FIRST STEP Act, a part of the White House's broader intent to make progress towards reforming the criminal justice system by expanding drug rehabilitation programs, fair sentencing initiatives, and mandatory minimum sentencing reforms, and by keeping incarcerated individuals closer to home.³ The signing of the bill marked an expansion in job training and other programs intended to reduce recidivism rates; however, as some commentators pointed out, "pushing higher education for prisoners would mean even more progress."⁴

College-in-prison programs are run by accredited universities and colleges, and allow participants to earn college degrees intended to facilitate positive real-world outcomes outside of the criminal justice system. Reduced rates of recidivism and increased employment opportunities are among the most cited benefits of providing higher education to incarcerated individuals. Correctional education can also have a positive impact on incarcerated students, the community inside the prison, and society writ large.

Along with the White House's renewed commitment to criminal justice reform, the issue of postsecondary correctional education has become an increasingly rare display of bipartisan agreement. In 2019, the Restoring Education and Learning (REAL) Act, which would restore Pell Grant eligibility to incarcerated students, was introduced by Illinois Congressman Danny K. Davis, with two Republicans and two Democrats cosponsoring the bill.⁵ The prospect of restoring Pell Grants, which provide tuition assistance to low-income undergraduate students, has also been touted as "a very good and interesting possibility" by Education Secretary Betsy DeVos,⁶ and broadly signifies the increasing level of support for correctional education across the political system.

The rise of federal support for postsecondary correctional education has simultaneously been met with support in New York State. In 2017, Governor Andrew Cuomo and Manhattan District Attorney Cyrus Vance announced that \$7.3 million in asset forfeiture money would be reinvested in college-level education and reentry services under the Criminal Justice Investment Initiative (also referred to as the DANY grant).⁷ Alongside executive support from the governor, there has also been significant progress made in the legislature. New York State Assembly Bill A02177,⁸ introduced in 2019 and cosponsored by 21 members, establishes a commission on improving correctional education broadly, while bill A04011⁹ establishes a commission on postsecondary correctional education specifically.

Despite federal and state momentum on the issue of correctional education, previous experience suggests the road ahead will not be easy. In 2014, following Governor Cuomo's announcement to provide college-level education at 10 New York State prisons,¹⁰ a petition website was launched stating that "hard-working taxpayers in New York should not be forced to pay the college tuition for convicts ... when honest families can't afford college for their children."¹¹ Asserting that the governor's proposal was "an insult to law abiding citizens" across the state, New York Congressmen Chris Collins, Tom Reed, and Chris Gibson introduced the "Kids Before Cons Act," which would have prohibited the use of federal funds to provide financial aid for incarcerated students.¹² In the wake of fervent political opposition to his original proposal, Governor Cuomo's plan to fund college-in-prison was quickly abandoned.

Despite resistance to the notion of educating members of the incarcerated community, there is little doubt about the efficacy of these programs. The academic literature has made clear that programs of this type are extremely effective in improving recidivism rates and labor-market outcomes for formerly incarcerated students.¹³ However, less is known about best practices and policies for educating the prison population. In the spring of 2019, we performed an extensive review of the academic literature and conducted in-depth interviews with policy experts and practitioners in order to identify best practices and develop recommendations for promoting postsecondary correctional education throughout New York State prisons.

Why College in Prison Is Important

America has a prison problem. Nearly 2.3 million individuals are living behind bars in the United States,¹⁴ comprising roughly one-fifth of the world's prison population,¹⁵ despite the fact that the United States represents less than 5 percent of the global population.

The problem with mass incarceration can be attributed in equal parts to issues concerning arrest rates and rehabilitation efforts. When tough-on-crime policies are met with few rehabilitative efforts, systemically underserved populations are led through the revolving door of our criminal justice system. Indeed, 76.6 percent of formerly incarcerated men and women recidivate within five years of release.¹⁶

Perhaps one of the most salient issues in regards to mass incarceration is that the population within America's prisons is dramatically undereducated. Only about 46 percent of the incarcerated population has a high school education or equivalent, while 41.3 percent have not achieved even this most basic benchmark.¹⁷ Meanwhile, only a tiny minority of the incarcerated population has a college-level education, as compared to 48.4 percent of the nonincarcerated population.¹⁸ There is a strong negative correlation between educational attainment and criminal behavior; as an individual's level of education rises, the likelihood that they will enter the prison population falls in equal measure.¹⁹

Research indicates that offering college in prison is an effective way to reduce recidivism. In correctional facilities that implement educational programs, a widely cited study conducted by the RAND Corporation found a 43 percent drop in an inmate's likelihood of returning to prison.²⁰ Another study, published in 1991 by New York's Department of Correctional Services, found the rate of return for participants who earned a degree (26 percent) was significantly lower than that of participants who did not (45 percent).²¹

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The potential cost savings of providing correctional education have also been calculated. A basic cost analysis by the RAND Corporation found that for every dollar invested in correctional education, taxpayers saved nearly five dollars in reincarceration costs.²² A similar study by the Pew Center of the States found that if states could reduce their recidivism rates by 10 percent, they could save more than \$635 million in annual prison costs.²³ A general consensus exists that investing money towards postsecondary education for people in prison can save the government a large sum of money.

College-in-prison programs also improve the employment opportunities available to ex-offenders outside of prison. The RAND Corporation found that the likelihood of obtaining employment post-release was 13 percent higher for inmates who participated in correctional education as compared to those who did not participate.²⁴ As a former participant in the College Program at Bedford Hills Correctional Facility observed: “The people who got an education on the inside had the same problems when released as those who didn’t. But those without college kept falling while those who had an education got back up and kept going.”²⁵

Even though much of the discussion concerning the value of education has focused on the economic payoffs, college-in-prison programs also have a positive impact on the student and the community inside the prison. For example, students who participate in the Bard Prison Initiative “report feeling a sense of freedom and independence,”²⁶ whereas prison administrators note that educational programs serve as an incentive for good behavior and diminish violence inside the prison.²⁷ “[C]lass time is the best moment of the week,” explained one faculty member who taught at both Eastern NY and Woodbourne Correctional Facilities.²⁸

Overview of College in Prisons in the United States

Despite the known benefits of correctional education, the federal government’s approach to college in prison has varied. Under the Higher Education Act of 1965, signed by President Lyndon B. Johnson, the government sought to strengthen underfunded colleges and universities, while also offering financial assistance programs or grants to low-income communities. Prior to the law’s enactment in 1965, only 12 postsecondary correctional programs operated regularly in the United States.²⁹ However, after the law was amended to make Pell Grants available to people in prison, that number rose steadily — from 237 postsecondary programs in 1976 to 350 programs in 1982. In 1982, upwards of 27,000 incarcerated students were enrolled in a college-in-prison program, or about 9 percent of the prison population.³⁰ By 1990, college coursework was being offered in 712 state facilities as well as 70 federal facilities.³¹

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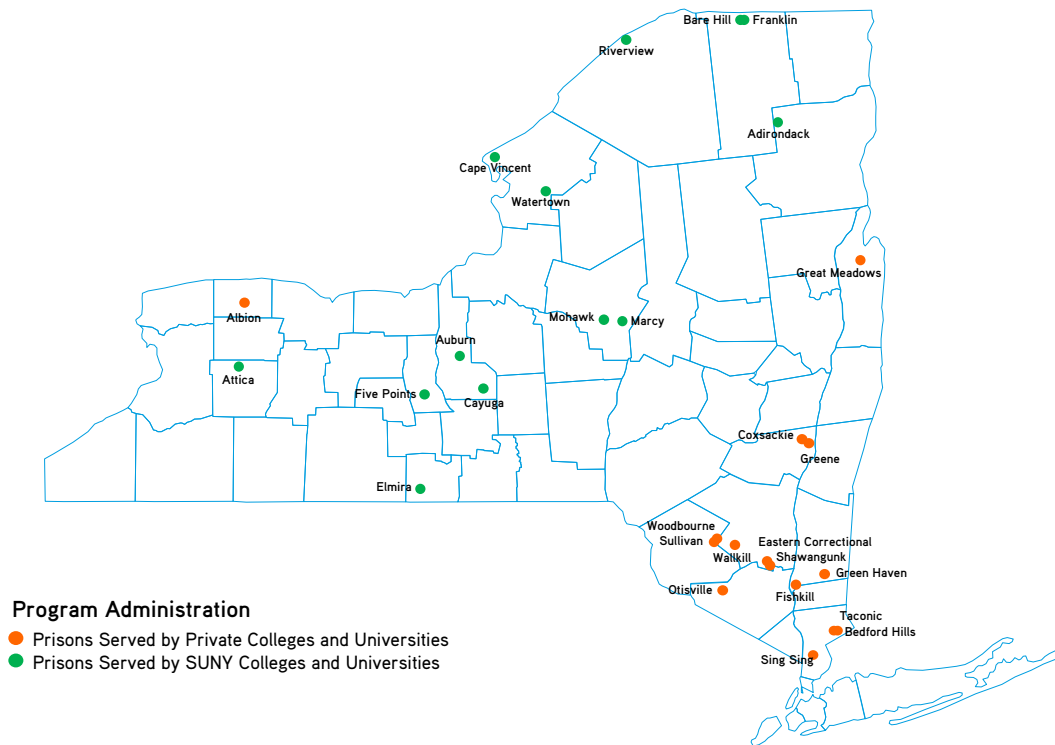
This steady increase in postsecondary correctional education proved to be short lived, however. In 1992, Congress restricted access to Pell Grants for incarcerated individuals who were on death row or serving life in prison without parole.³² Others remained eligible until 1994 when the Violent Crime Control and Law Enforcement Act barred all people from receiving Pell Grant funds while incarcerated.

The 1994 crime bill had a disastrous effect on postsecondary education programs in state and federal prisons throughout the United States. No longer able to apply for financial aid to help pay for tuition, books, and other costs related to attending college, thousands of incarcerated students were left without any opportunity to further their education. A year after Congress banned people in prison from receiving federal Pell Grant money, the number of college-in-prison programs dropped by 40 percent and the number of incarcerated students enrolled in these programs dropped by 44 percent.³³

States quickly followed the federal government, prohibiting incarcerated men and women from receiving state funding for college as well. In New York, Governor George Pataki signed legislation in 1995 barring incarcerated students from accessing the Tuition Assistance Program (TAP), the state's college grant program for low-income students. The number of state prisons with college-level education programs in New York fell from 70 in 1994 to just four in 2004.³⁴

Even though the number of programs fell dramatically in the 1990s, numerous private and public universities and colleges continue to offer postsecondary correctional education in New York State. The Bard Prison Initiative (1999),³⁵ the Cornell Prison Education Program (2010),³⁶ and the New York University (NYU) Prison Education Program (2015)³⁷ were privately sponsored programs established following the elimination of Pell Grant eligibility. Today there are 15 programs involving more than 30 colleges and universities operating in 25 Department of Corrections and Community Supervision (DOCCS) facilities.³⁸ Despite New York having "the largest number of privately sponsored liberal arts college-in-prison programs,"³⁹ the vast majority are concentrated in the Hudson Valley (see [Figure 1](#)). As the John Jay College of Criminal Justice Prisoner Reentry Institute observed, "access to college-in-prison is heavily dependent on whether an individual is assigned to a prison with a college program ... and whether the program has available seats," not the potential student's interest or ability.

FIGURE 1. College-in-Prison Programs in New York State



Source: Authors' analysis of DOCCS College Program Chart, July 2018.

Despite an array of laws banning incarcerated students from accessing financial aid through TAP or Pell Grants, New York has begun to solidify its place as one of the most influential states for postsecondary correctional education. Given the effectiveness of college in prison in reducing recidivism and saving taxpayer dollars, the debate should no longer be about *whether* correctional education works but *how* it works and *what* programs are effective.⁴⁰ To help answer these questions, we interviewed faculty members who have taught in New York State prisons, alongside program directors and state policy experts (see the [Appendix](#)). Through our interviews, we identified a number of challenges specific to postsecondary correctional education, including eligibility and recruitment, quality of instruction, and inadequate funding.

Eligibility, Recruitment, and Admission

Eligibility, recruitment, and admission to postsecondary correctional programs vary state to state,⁴¹ as well as across programs, but most require participants to obtain a high school diploma. In New York, nearly 60 percent of the population under custody has a verified high school credential⁴²; however, the limited number of prisons with college programs makes it difficult to enroll a greater number of students.

Even though more than half of the prison population in New York is eligible for college, recruitment for programs is often subject to administrative discretion. At a focus group meeting held in Buffalo, New York, faculty expressed concern over whether they have

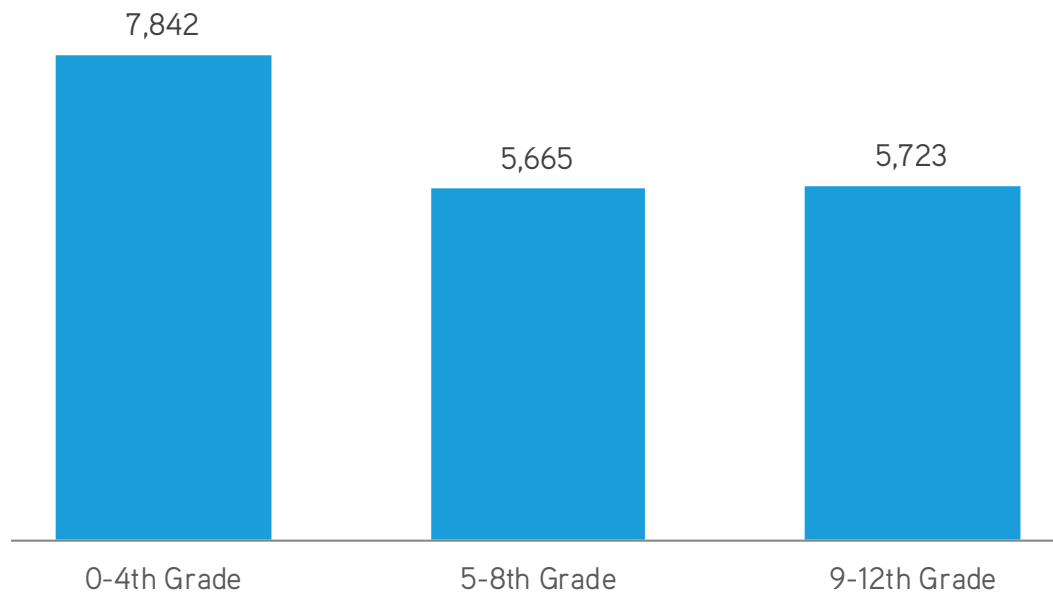
access to every potential student.⁴³ In some instances, the available pool of applicants is left to the discretion of prison authorities. Criminal history, anticipated disciplinary issues, and even the desire to withhold education as a form of punishment can result in prospective students becoming ineligible or unable to apply.⁴⁴ “We really don’t know its level of effectiveness,” explained one faculty member who was frustrated by the inadequacies of the recruitment process.⁴⁵

Without a more systematic recruitment process, educators tend to rely on word of mouth to inform students about educational opportunities. “The thing that’s so funny about prison,” one executive director explained, “they’re still in the old-world style where everyone talks to each other.... It’s like, ‘Well, there’s a guy in my housing unit or on my deck that studies every night.’ That’s how they know we’re there.”⁴⁶ At Walkkill Correctional Facility, NYU posts information about admissions on bulletin boards placed near the classrooms. “I’ll actually email memos or flyers to Walkkill,” explained the associate director of communications. “They look at it. If they approve it, then they’ll post it on the bulletin board.”⁴⁷ Still other facilities advertise programs on their closed-circuit TV or make announcements over the loudspeakers. “People are keeping their eyes open and their ears to the ground,” explained Cornell’s executive director. “They’re not going to let us pull a thousand people into an auditorium to make an announcement.”⁴⁸

Admissions to postsecondary education can also vary, with some programs being more competitive than others. The Bard Prison Initiative, for example, is highly selective. To gain admission, students must pass a rigorous application and screening process which includes a written essay examination and formal interview. According to one professor and distinguished fellow of the Bard program, far more people apply than are admitted.⁴⁹ By comparison, students who do not perform well on the college admissions test offered by the Bennington College Prison Education Initiative at Great Meadow can enroll in college prep — an intensive course that teaches essay writing and math and allows students to get their abilities up to the college level. College preparatory classes in reading and writing are especially critical to student success given that 16 percent of the population under custody in New York State has a reading score at zero-to-fourth-grade reading level, 11 percent at the fifth-to-eighth grade level, and 11 percent at the ninth-to-twelfth grade level (see [Figure 2](#)). According to the director of the Bennington College Prison Education Initiative, the reason most people who apply get in is because they are offered college prep.

Even though many of the people we spoke to are interested in expanding educational opportunities for people in prison, many lack the resources needed to do so. Thus, in some programs, the admissions process is used to “identify those most likely to succeed.”⁵⁰ For example, the program offered at Mohawk Correctional Facility through Herkimer County Community College requires students to take a placement test in English and math to determine if they qualify for the program. The exam is administered because private funding at Mohawk Correctional Facility cannot be used to support remedial or developmental classes, thus faculty must ensure that students are college-ready.⁵¹ Of the 50 to 80 students who generally apply, only 12 to 15 are admitted per term.

FIGURE 2. Reading Score Grade Level of the Under Custody Population, 2018



Source: Authors' analysis of DOCCS data.⁵²

Once enrolled, the opportunity to finish a class or even earn a degree can be undermined if students are sent to facilities without programs. “We lose students because they get transferred,” one faculty member explained.⁵³ Generally, the “college hold” policy implemented by the Department of Corrections and Community Supervision prevents students from being transferred to a different facility once they are enrolled in credit-bearing college courses.⁵⁴ However, safety concerns can override the college hold. Even though DOCCS tries to move students in between semesters so they can receive credit for that semester’s coursework, students will be moved immediately if they participate in work stoppages, incite other incarcerated persons, or require separation from staff. “We can’t control anything that’s related to disciplinary action,” one program coordinator explained, “so the facility will just let us know if somebody’s been transferred because of that.”⁵⁵

Quality of Instruction

Holding incarcerated students to high academic standards and offering the same quality of instruction as to traditional students is important to prison educators. Doing so “conveys strong confidence in students’ abilities” to learn and ensures that they “are getting the ‘real thing,’ not some watered-down version of a college curriculum.”⁵⁶ Maintaining high academic standards is also important for gaining the support of colleges and universities. “There’s always this fear of watering down the degree or ruining the reputation of the universities,” one associate director explained. “Universities typically need to know that the degree is protected and that there’s real integrity in the process of replicating what happens on the main campus.”⁵⁷ Still, certain aspects of the prison environment can limit the opportunities available

to incarcerated students, including a limited number of degrees and course offerings, lack of adequate space and instructional materials, and difficulty teaching in the prison environment.

1. Degree and Course Offerings

The degrees available to incarcerated students in New York vary widely from professional certificates to master's degrees. Nevertheless, the majority of college prison programs in New York offer only an associate's degree, with far fewer programs offering bachelor's degrees. The Bedford Hills College Program, for example, is one of the only programs in New York State to offer a bachelor's degree for women. "We're anxious for the day we can do a bachelor's degree," one executive director explained. "The resources just aren't there for us yet."⁵⁸

Liberal arts serve as the primary educational focus of most degree or credit-bearing programs. For example, Bard's Prison Initiative offers an AA and a BA program, with 121 of their 165 course offerings being in liberal arts categories like the arts, literature, language, the humanities, and social studies.⁵⁹ By comparison, the New York Theological Seminary, which is the only college to offer graduate-level opportunities to incarcerated students in the state, offers primarily faith-based programs like Youth Ministry and Religious Education.⁶⁰ Because of the liberal-arts focus, communication and critical-thinking skills (such as writing, spelling, grammar, and speaking), as well as the social sciences (e.g., history, political science, and sociology), tend to be emphasized over mathematics, the hard sciences, or computer science.⁶¹ However, as one associate director pointed out, a liberal arts degree enables students to "explore a lot of different things ... through different disciplines," expanding their capacity to think critically and communicate effectively.⁶²

Even within the liberal-arts framework, the number and type of courses that can be offered is dependent on the faculty available to teach in prison.⁶³ "There isn't a standard curriculum," explained the founder of Bennington College's Prison Education Initiative (PEI), "because at Bennington teachers want what they want, when they want."⁶⁴ It's not just that certain courses do not appeal to the professional interests of faculty. Instead, class offerings are constrained by shortages in faculty. "We've outsourced math because the math department at Bennington is small and overworked," continued the head of PEI. "We're small, we are inexpensive, we are very flexible, and ... we are all happy with that."

Rob Scott, director of Cornell's Prison Education Program, offered further insight into the curriculum, stating that topics likely to incite unrest or anger in the student population, such as issues of racism, policing, or economic inequality, are sometimes

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left out of the curriculum because they are deemed security risks. “If we speak of the law, we speak of crime,” he explained. “We speak of policing and how that plays out when the law is implemented.” He added:

They [prison officials] don’t want us to come in and rile people up to start fighting back against the basic operation of day-to-day life in the prison. [F]or that reason ... we find that some of the things we want to teach they’re really resistant to. This might be more or less in what state, [region, or prison] you’re in, but a book that raises issues of the searing legacy of racial discrimination in America might be taken as provocative of ... resistance in a given prison.⁶⁵

Beyond content that might be considered disruptive, still other topics are omitted because of how they might affect students. “No incest,” one program director explained. “We really just can’t do incest ... because a lot of the women are victims of incest ... so we have to be careful around child victimization.”⁶⁶

2. Instructional Materials

A consistent complaint raised by faculty concerned restrictions on both physical materials allowed to enter the prison and the kinds of coursework that can be offered. For example, items like balloons are considered contraband, DVDs are considered to be low-level weapons, and physics kits — including items like rubber bands and toy cars — need to be locked up, meticulously counted, and inventoried before and after every class.⁶⁷ There are also limitations on the content of the material that can be used and the medium through which it is conveyed. For example, culturally sensitive topics that include violence or sexually explicit material can only be taught with video footage that contains neither.

The process of getting materials into the prison and back out is also taxing and time consuming. Faculty undergo a rigorous process of getting materials checked multiple times, both when they enter and leave the facility. One associate director explained that, even though the prison was “really good about letting us bring almost anything we’ve requested inside, [it’s] difficult because things are constantly changing”:

I’ll be moving things around, or adding materials, or taking materials off and the inventory has to be exact. So if you’re bringing in three ... copies of a book, it has to say three copies of that book. If it says four copies of that book, that’s a problem. So you have to be very accurate and it’s just difficult because sometimes ... it’s all on email. [S]ometimes I’m not sure what has actually been updated and what hasn’t because I can’t actually check the gate pass. Sometimes there’s miscommunication about when things are coming in but usually the content is approved.⁶⁸

Failure to plan ahead or communicate changes in instructional materials well in advance to prison officials can result in faculty being turned away or classes being cancelled.

Perhaps one of the biggest challenges we heard about was the lack of technology available to students, including internet, computers, tablets, and email.⁶⁹ For starters, getting computers in the facilities can be particularly difficult because they are



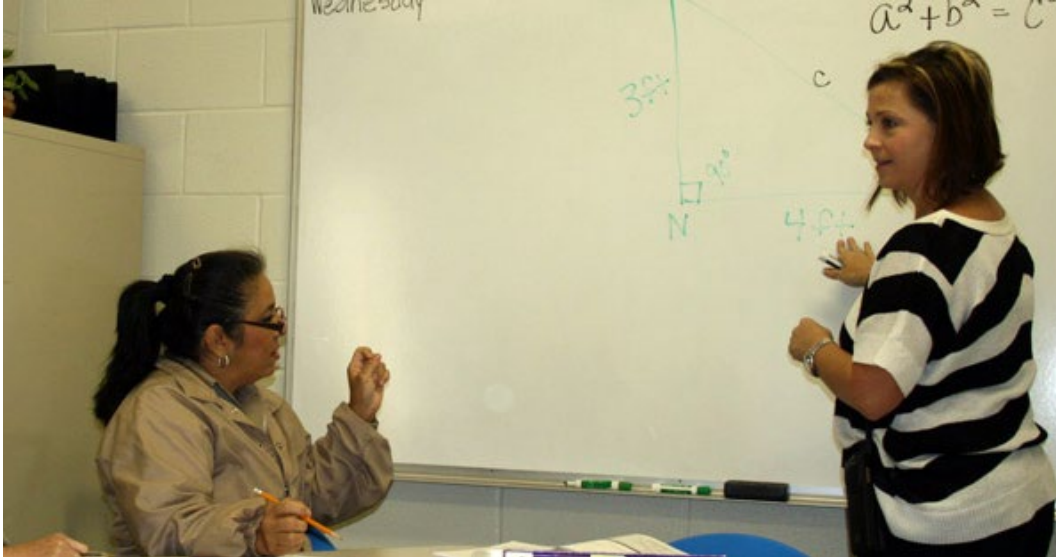
expensive. Other issues stem from the fact that modifications need to be approved by the Department of Corrections and Community Supervision before computer labs can be installed. Computer labs also necessitate buy-in from the prison officials since an additional commitment of staff is required to monitor labs and ensure existing security protocols are met. Depending on the prison, courses that require access to media labs so that students may compare literature, movies, and other genres may not be feasible or allowed.⁷⁰

The lack of internet is yet another challenge to providing quality instruction. According to one associate dean, lack of access to the internet operates as a constraint on what can be taught and leads to the use of outdated materials, including books and journal articles.⁷¹ As the program director at Bedford Hills observed, not having internet “makes it difficult for students to do their own research.”⁷² Students from Bedford Hills can access e-journals, magazines, and books using EBSCO for a closed system. However, EBSCO discontinued the service in the early 2010s, so while students “can learn how to narrow their search topic to yield results that are manageable,” for updated materials they must ask faculty or other program administrators.⁷³

Without internet, technology, or regular access to books and journal articles, some educators question their ability to replicate the college experience inside prison. “[We basically show up in a modest school building for a few hours each day and offer a class with no computers and no library,” said one educator. “We don’t want to confuse ourselves and pretend this is anything like what we do on our campuses.”⁷⁴

3. Teaching in Prison

There is extensive literature on why faculty are motivated to teach in prison. Studies show, for example, that initial motivations range from curiosity and wanting to enrich the lives of incarcerated students to favorable work hours and pay.⁷⁵ Despite the many reasons to teach in prison, several challenges can lead to high teacher turnover including inadequate compensation, minimal training, and common disrespect from correctional officers.



Not everybody is prepared to teach in prison because of the challenges involved. For starters, many correctional educators experience “culture shock” because teaching in prison is a “totally different” experience than teaching on campus.⁷⁶ Prison walls, video surveillance, armed guards, and other “disturbing” factors tend to set the prison environment apart from more traditional classroom settings. “When you go in and when you go out you hear the door closing behind you,” one educator explained.⁷⁷ “It’s kind of chilling ... you cannot come out.... You are not prepared for this when you are used to a normal university so it can be shocking for some people.”

Teaching in prison also requires educators to be creative. “I absolutely believe it is not everyone that can do this work,” one associate dean told us.⁷⁸ “It takes a person willing to be flexible and a person with the ability to think on their feet.” When students are delivered late to class, or materials are denied gate clearance, instructors must respond accordingly. “[I]t’s this moment when you have to ... fill out the jigsaw puzzle of what DOCCS will allow you to bring in, what you know you need to get across, and a particular medium to do it,” she explained.

Yet another key issue is the sheer time and distance it takes to get to the facility. At Mohawk Correctional Facility, for example, educators from Herkimer County Community College must travel 45-50 minutes one way just to get to the prison. Upon arrival, they can wait an additional 45 minutes to an hour if they have difficulty getting through the gate or being transported to the actual classroom. “[W]e are not able to walk to the school,” one educator explained. “It is a half a mile into the facility behind the wall so we have to be driven.”⁷⁹

Educators from New York University’s Prison Education Program report a similar experience. Faculty carpool approximately 80 miles to the Wallkill Correctional Facility, teach a three-hour class, and then turn back. “They’re just going once a week for three hours,” the associate director of communications explained, “but it’s an all-day trip because ... we have to leave here at 9:30 in the morning and then we get back at 5:30.” Although faculty at NYU typically receive a course waiver to teach in prison, faculty from underfunded programs, or programs that lack support from the college, must volunteer their time. Programs that can’t afford to pay faculty, however, “tend to get graduate students” for instructors.⁸⁰

Despite the challenges of teaching in prison, educators often receive minimal training. Generally, the United States Department of Education does not mandate teacher-preparation programs for educators seeking to teach at postsecondary institutions.⁸¹ As

a result, there are no state-mandated teacher-preparation programs for postsecondary correctional educators. Instead, they learn primarily on their own through self-study, from colleagues who have experience teaching in prisons, or through professional development activities.⁸²

Inadequate Funding

Funding for programs in New York State varies, but many programs are supported through a hybrid of public and private dollars. Private philanthropy has been particularly important in the implementation and continuation of programs at Cornell, Bard, Siena, and Columbia-Greene, Ulster, and Sullivan County Community Colleges, among many others. Beginning in 2016, public funding was made available through the Second Chance Pell Experimental Sites Initiative (Second Chance Pell), a pilot program launched by the U.S. Department of Education to determine whether expanding access to financial aid increases participation in college,⁸³ as well as the Manhattan District Attorney's Office, which committed \$7.5 million under the Criminal Justice Investment Initiative to fund postsecondary correctional education for a five-year period.⁸⁴

Despite the infusion of private and public dollars, supporters of college-in-prison programs believe that state and federal barriers, like the ban on tuition assistance for incarcerated students, continue to restrict programming. Even though enrollment and course offerings have expanded under Second Chance Pell,⁸⁵ existing funding only stretches so far. According to one associate dean, working with "a limited pool of money" forces administrators to find ways to cut costs to serve more students. "[We are] always looking for ... a reduction in tuition," she explained, "whatever it is so we can reduce the cost of overhead so we can offer more programming for the students."⁸⁶

Relying on private funding is especially problematic for nascent programs which have yet to show proven results. "It's difficult when you're relying on private funding and you don't have much to show yet," one associate director told us.⁸⁷ Even though philanthropic interest in postsecondary correctional education is growing, funders typically need to be persuaded that programs are worth investing in and that the investment is safe. "Funding is probably the biggest barrier," she continued. "As there's more success in the field and more attention to the field," however, it may become "easier for funders to wrap their heads around the power and impact [of] investing from the beginning."⁸⁸

Recommendations

Interest in college-in-prison is growing. As one associate director of a college-in-prison program explained, "There's no shortage of professors, or sometimes deans or provosts, or other people in higher levels of academic administration who [are] interested in doing the work."⁸⁹ However, our interviews suggest that there's no one-size-fits-all model for effective implementation. "You couldn't just make a handbook and post it online as a PDF that people can download," the associate director continued. "There may be some broad principles that you can post.... But, really, it's a puzzle that looks very different in every place."⁹⁰

Even though we recognize that implementation challenges will vary depending on the circumstances of both the college and the prison, our interviews make clear that certain elements are crucial to the successful implementation of college-in-prison programs. One program administrator put it succinctly:

Essentially, you have to put certain things in place.... You need to have the cooperation of DOCCS. You need to have the cooperation of the prison. You need the cooperation of your institution, your college or university. You need independent funding. And you need faculty support. If you can't put those things together, there is probably not much point in trying.⁹¹

In this final section, we identify best practices for the implementation of college-in-prison programs and identify opportunities for policymakers to promote and expand postsecondary higher education in New York State.

1 | Develop strong relationships with the Department of Corrections and Community Supervision

Developing strong relationships with the Department of Corrections and Community Supervision at the state level, and other prison officials at the level of the facility, is necessary to the successful implementation of college-in-prison programs. At the state level, the Prisoner Reentry Institute has identified several key ways in which DOCCS can promote higher education including (1) the provision of information via training sessions, manuals, and meetings about “the institutional demands on and practices of the other system”; and (2) establishing formal agreements between DOCCS and the college providers regarding the provision of resources, the transfer of college credits among and between programs, and admission of qualified students to colleges upon release, among other recommendations.⁹²

At the level of the facility, “on-the-ground relationship building” is also critically important.⁹³ Questions about the system for approving books and materials, decisions about who is eligible for college and how deep into the prison a college is able to reach, and issues surrounding movement — namely educational holds for incarcerated students — must be navigated with input from the superintendent of the facility, the deputy superintendent of programs, and other relevant prison officials.

Finally, training and support for correctional staff is a necessary precursor to the effective implementation of college-in-prison programs. As the executive director of Cornell’s Prison Education Program pointed out, providing college in prison is “extra work” for correctional staff.⁹⁴ In addition to supervising daily activities, enforcing prison rules and regulations, and maintaining order in the facility, correctional officers are told to set up classrooms, check for call outs, fingerprint students, and coordinate their movement to and from the school. Adding these responsibilities to correctional officers’ job descriptions, and providing basic training and information, can help establish reasonable expectations about job performance while acknowledging the contributions staff make in the delivery of programs.

For their part, colleges and universities can work to ease the burden placed on facilities by standardizing programs. “The more predictably we can create for everybody the



much easier it is,” one associate director of a college-in-prison program explained.⁹⁵ Regularly scheduled admissions tests, steady course offerings, and routine graduations can help encourage prisons to accommodate college-in-prison programs and “alleviate whatever extra work that creates.”⁹⁶ Admittedly, however, standardization requires a steady influx of resources such as funding and faculty that are typically not available to smaller or nascent programs.

2 | Support faculty

Much like correctional staff, faculty also need to be supported. At an absolute minimum, securing well-qualified instructors from across the college or university requires compensation. While some programs opt to pay faculty a direct salary for the courses they teach in prison, others provide compensation in the form of course releases. In either scenario, support from college deans and department chairs is necessary to hire and attract faculty from a range of disciplines.

Beyond compensation, colleges can provide administrative support in the areas of budgeting, financial aid, registration, and advising. Due to the constricted funding environment, many programs are “administratively light.”⁹⁷ Thus, campus staff can help reduce the burden on faculty by lending institutional resources and expertise. For example, librarians can help buy books, the registrar can request transcripts, and the bursar can assist with registration. As one associate director pointed out, “Trying to get your institution behind you is important.”⁹⁸

3 | Enact the REAL Act and reinstate public funding

Funding is critical to the successful implementation of college-in-prison programs. Perhaps the most notable and well-known solution aimed at funding postsecondary college in prison is Second Chance Pell, which includes 67 colleges and universities from across the nation. The program is available to people incarcerated in federal

and state prisons who will likely be released into the community within five years. Selected programs must be able to provide academic and career guidance, and prepare students for professions where they are not likely to face legal barriers.

Since 2015, Second Chance Pell has increased access to higher education for thousands of incarcerated individuals. The Vera Institute of Justice reported that Second Chance Pell sites educated more than 4,900 students in the fall of 2017, a 231 percent increase from 2016.⁹⁹ In New York, 147 courses were offered to more than 500 students through Second Chance Pell.

As of this writing, incarcerated individuals who want to apply for New York State's Tuition Assistance Program (commonly referred to as TAP) are still not eligible. However, New York made strides towards improving accessibility to funds under the Criminal Justice Investment Initiative, which seeks to educate 1,000 students in prisons statewide over five years.

Given the benefits of postsecondary correctional education, Congress should consider reinstating Pell Grant eligibility through reauthorization of the Higher Education Act. A joint report by Georgetown Law School's Center on Poverty and Inequality and the Vera Institute of Justice found that lifting the ban on Pell Grants would increase state employment rates of formerly incarcerated workers who participated in a postsecondary program by nearly 10 percent, boosting the combined earnings of people leaving prison by roughly \$45.3 million in just the first year after release.¹⁰⁰

Our interviews also make clear, however, that advocates for postsecondary correctional education must be mindful of the unintended consequences of reform. In particular, there is legitimate concern that public funding will be used to prioritize vocational education over the liberal arts and sciences, as well as distance learning. "I have a hard time imagining replicating anything like that [a student's sense of belonging to the college] if in-person learning is under existential threat," explained one associate director of a college-in-prison program. "We just have to be careful about how we're setting that up."¹⁰¹

4 | Enact Senate Bill 2206 to establish a commission on postsecondary correctional education

Navigating the criminal justice system, and more specifically the area of postsecondary education inside of prisons, is complex and requires a team effort. Absent a convening of relevant stakeholders, effective change will be limited. In New York, lawmakers should facilitate a collaborative discussion and evaluation of postsecondary education by enacting Senate Bill 2206, entitled "AN ACT to establish a commission on postsecondary correctional education."¹⁰²

SB 2206 was introduced by New York State Senator Jamaal Bailey during the 2019-20 legislative session. The bill establishes a commission on postsecondary correctional education to make recommendations regarding the "availability, effectiveness

and need for expansion of post-secondary education in the New York state prison system.”¹⁰³ The commission would include the commissioner of the Department of Correctional Services, a member from the Division of Parole, a member from the Division of Criminal Justice Services, a member from the New York State Higher Education Services Corporation, SUNY and CUNY chancellors (or their designees), and six policymakers — three each from the New York State Assembly and Senate, respectively. The creation of the commission would facilitate the necessary discussion of expanding postsecondary education programs in New York States. The bill features language requiring the committee to make a report to the governor and the legislature no later than one year after the effective date. Although neither entity is bound by the committee’s recommendations, the commission would increase awareness about the possibilities for reform and develop next steps for higher education inside of prison.

5 | Develop messaging to address political opposition

Political opposition to Governor Cuomo’s 2014 proposal to fund college-in-prison programs was indicative of the general hesitancy towards three principal beliefs held by some lawmakers. First, that their constituencies favor tough-on-crime policies designed to deter criminal behavior; second, that the public is unwilling to pay for education for incarcerated men and women; and third, that paying for the education of incarcerated men and women prioritizes educating those who have committed crimes over educating those who have not.

What lawmakers who support this issue need to know is that America’s perception of the efficacy of tough-on-crime policies has shifted dramatically since their inception in the 1990s. A recent meta-analysis of 50 opinion polls between 1996 and 2011 found that Americans have changed their views on the criminal justice system’s role in society, moving away from enforcing harsh penalties for criminal behavior and towards using systems that encourage rehabilitation, treatment, and support for offending individuals.¹⁰⁴ For example, opposition to the death penalty has risen from 20 percent in 1996 to 35 percent in 2012, while 68 percent of Americans support the elimination of mandatory minimum sentencing laws.¹⁰⁵ This same analysis found that only 20 percent of Americans prioritize punishment as the criminal justice system’s principal responsibility as opposed to prevention of crime, enforcement of laws, and rehabilitation for offending individuals. Perhaps even more surprising, an analysis of political beliefs around criminal justice policies in Texas, a notoriously “red” state, found that Texans generally supported more lenient policies for criminal offenses, especially for nonviolent and drug-related offenses. According to the survey, 77.3 percent of Texans supported treatment programs for first-time, nonviolent offenders over prison sentencing.¹⁰⁶

Americans’ willingness to support rehabilitative interventions over punishment is considerably higher than many tough-on-crime advocates purport. According to a 2012 Pew Foundation national survey, 90 percent of Americans surveyed prioritize reducing recidivism over enforcing sentences,¹⁰⁷ while a national survey by the American Civil Liberties Union found that 59 percent of Americans support investing taxpayer dollars in preventing crime and encouraging rehabilitation.¹⁰⁸ The meta-analysis cited above



also found that 78 percent of Americans believe the criminal justice system does a poor job of rehabilitating former criminals, and that 64 percent believe that more money and effort should go towards education and job training to help combat the social and economic problems that lead to crime.¹⁰⁹ Support is particularly high among younger Americans, with 77 percent of individuals between the ages of 18 and 29 holding this belief, and 69 percent of those between 30 and 49. As these surveys indicate, Americans are far more interested in paying for interventions such as education that will reduce recidivism than they are in enforcing harsh punishments.

Finally, providing educational access to members of the incarcerated community is not about prioritizing “cons over kids,” or law-abiding citizens. The need to provide access to education has become increasingly relevant as the economy and labor market evolves to require greater knowledge and skill. Living and working in the Information Age makes holding a college degree ever more crucial to the economic success of both America broadly and individuals specifically.

Conclusion

In evaluating college-in-prison programs, success should not be limited to how many courses are completed or degrees conferred. While those are important measures to understanding the success of particular programs, the sheer value of an education to the individual must also be considered. “It will be success for these men to feel that they have something to achieve,” one faculty member explained:

[H]aving the intellectual freedom, the ability to lead a life of the mind while incarcerated, would be success. I know that is not the way you can put it on the spreadsheet, but this is about education. It is not about degrees or jobs. It is about offering the very high standard of education to people who have been more than likely shortchanged educationally as well as every other way all their lives.¹¹⁰

Appendix

List of Interviews

Title	Organization	Int. #
Prison Education Coordinator	SUNY System Administration	01_03132019
Associate Director, Communications	NYU Prison Education Program	02_03262019
Director	Bennington College Prison Education Initiative (PEI)	03_03272019
Associate Dean of Academic Affairs	Herkimer County Community College	04_03272019
Associate Professor of English	Hobart and William Smith Colleges	05_03282019
Executive Director	Cornell Prison Education Program	06_04022019
Program Director	Marymount Manhattan's Bedford Hills College Program	07_04032019
Former Government Official	Office of the Executive	08_04102019
Associate Director of National Projects	Bard Prison Initiative	09_04292019

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