

November 2021

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# A Piece of the Puzzle:

## State Financial Aid for Incarcerated Students

### Technical Appendix

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## About this appendix

This updated appendix is current through 2021 and accompanies the Vera Institute of Justice's report *A Piece of the Puzzle: State Financial Aid for Incarcerated Students*, available at [www.vera.org/a-piece-of-the-puzzle](http://www.vera.org/a-piece-of-the-puzzle). It compiles and presents additional, state-by-state information on sources of state financial aid and their availability to incarcerated students. Because of the breadth of information and the challenges presented in compiling and categorizing it, this appendix focuses on programs that are currently active. Although the appendix includes both need- and merit-based programs, both of which can have significant and exacting requirements, some practical requirements were deemed so unlikely to be met as to render the programs virtually inaccessible to incarcerated students. For this reason, some state financial aid programs to promote careers in education or nursing, programs for current members of the National Guard, and programs that were not funded in state budgets in 2020–2021 do not appear in this appendix or the accompanying report.<sup>1</sup> This appendix does include state programs to support current and former foster care youth even though these programs may also have significant practical barriers.<sup>2</sup>

This update to the appendix follows the passage of the Free Application for Federal Student Aid (FAFSA) Simplification Act on December 27, 2020, which makes several key changes to the Higher Education Act of 1965 (HEA).<sup>3</sup> These changes include: (1) reinstating access to federal Pell Grants for students who are confined or incarcerated in federal or state

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1 Teaching and nursing programs are excluded because these programs typically require that students complete supervised internships or clinical hours in schools or hospitals as part of the accredited hours of their degree programs. These programs also frequently require that participants be working in their fields of study within a year of program completion, which, coupled with the likelihood that an incarcerated person will still be serving a prison sentence after completion of the postsecondary program and the licensing barriers that are likely to bar formerly incarcerated students from careers in these fields, precludes them from practical consideration. Awards for current members of the National Guard were excluded because the common precluding criterion of dishonorable discharge is a consequence of a prison sentence. Funding levels were determined via accessing each state agency's website to determine what financial aid programs are currently being offered.

2 The most common funding source for state programs for current or former foster care youth is the federal education and training voucher program, which provides up to \$5,000 per academic year to qualifying current and former foster care youth. See Foster Care to Success, "Education Training Vouchers," <https://www.fc2success.org/programs/education-training-vouchers/>. The programs that are included in this appendix are funded and administered by the state and are largely managed by each state's department of children and family services, rather than its higher education department. These programs may be subject to additional restrictions not identified in this appendix. Financial aid professionals should work with their state agencies overseeing foster care to understand whether these programs could benefit their incarcerated students.

3 Consolidated Appropriations Act of 2021, H.R. 133, 116th Congress, Pub. L. No. 116-260, (2020), <https://perma.cc/5M2S-3KDC>.

correctional institutions, (2) eliminating the requirement to register with the Selective Service System as a condition of receiving federal student aid, and (3) eliminating suspension of eligibility for drug-related convictions.<sup>4</sup> While the FAFSA Simplification Act has an effective date of July 1, 2023, the U.S. Secretary of Education has discretion to implement several changes earlier, and the Selective Service registration and drug-related conviction barriers have been removed beginning with applications for the 2021-2022 award year.<sup>5</sup>

As discussed in detail below, Pell reinstatement should increase access to certain forms of state financial aid in at least 15 states. While some states explicitly prevent incarcerated students from accessing state financial aid through statute, other states maintain these limitations—intentionally or not—through statute, regulation, policy, or practice by requiring Pell Grant eligibility as a prerequisite for state financial aid. Where these barriers exist, as incarcerated students become eligible for federal Pell Grants following Pell reinstatement, so too should they be able to overcome these barriers to accessing state financial aid.

Another barrier to accessing state financial aid is the residency requirement that states may impose on in-state tuition and other forms of state financial aid. Any student who seeks state financial aid must meet that state's residency requirements—including students who are incarcerated outside of their home state. Each state maintains different requirements for establishing residency. If a student was a resident of another state prior to their incarceration but wishes to attain education in the state in which they were incarcerated, they may encounter additional barriers to accessing state financial aid. Some states, like Florida, explicitly exclude time spent incarcerated in that state from counting toward the number of months of living in the state required to establish residency.<sup>6</sup> Due to the complexity of this issue and the individuality of the circumstances of each incarcerated person, the summaries below do not include information on residency requirements.

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<sup>4</sup> Ibid. § 2 (amending § 484 of the HEA).

<sup>5</sup> Ibid. § 702(n)(2); and “Early Implementation of the FAFSA Simplification Act’s Removal of Select Service and Drug Conviction Requirements for Title IV Eligibility,” Federal Student Aid, U.S. Department of Education, June 11, 2021, <https://perma.cc/9R7K-JXKZ>.

<sup>6</sup> Florida Department of Education (Florida DOE) Articulation Coordinating Committee, *Guidelines on Florida Residency for Tuition Purposes A-1* (Tallahassee, FL: Florida DOE, 2015), 21, <https://perma.cc/QM6T-37K4>. (“Prison inmates are not precluded from establishing residency for tuition purposes in Florida. However, they may not establish residency for tuition purposes by virtue of their incarceration in Florida. Evidence must be provided for the 12 month period prior to incarceration.”)

## Note on methodology

This appendix is a snapshot of the active state grants and scholarships for postsecondary study and their statutory and regulatory language regarding the eligibility of incarcerated students, as well as state higher education agencies' practices for assessing eligibility for these programs. To collect this information, Vera first reviewed state statutes to identify programs authorized by state legislatures, then referenced the websites of the agencies overseeing financial aid in each state to determine which grant programs were currently on offer to students. As a third step, when there was doubt regarding incarcerated students' eligibility for a state financial aid program, Vera reached out directly to the state agency that oversees financial aid to verify whether incarcerated students would be considered eligible for a particular program.

As discussed in the accompanying report, although some state financial aid programs do not explicitly bar incarcerated students from consideration, there may be hidden practical barriers to applying for such aid. For example, many programs require students to enroll in postsecondary programs within a specified number of months or years after obtaining their high school credential, others require a certain level of academic performance in high school or the recommendation of a principal or other administrator, and still other programs require students to be enrolled full time. In addition, most states require students to have been state residents for at least one year prior to incarceration in order to take advantage of their financial aid programs. These and other requirements pose special challenges for incarcerated students. We encourage financial aid officers to work closely with the higher education agencies in their states to understand which of the programs without explicit barriers may be accessible to incarcerated students.

## Acknowledgments

This update would not have been possible without the support and partnership of Clifford Chance attorneys who provided essential pro bono assistance in completing the research, especially Eric Bernstein, Abigail Cessna, Brian Concklin, Esther Pyon, and Jennifer Saionz.

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\* Impacted by Pell reinstatement

# Alabama state financial aid programs for incarcerated students

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Alabama's laws do not prevent incarcerated students in the state from consideration for state financial aid. However, Alabama does give priority to Pell Grant recipients when distributing Alabama Student Assistance Program funds.<sup>1</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should now have increased access to this form of state aid following Pell reinstatement.

## Financial aid programs without barriers for incarcerated students

Alabama offers two major financial aid grant programs for Alabama residents:

- › The Alabama Student Assistance Program (ASAP) is a need-based program for undergraduate students enrolled in eligible Alabama institutions.<sup>2</sup> Grants under ASAP range from \$300 to \$5,000 per academic year.<sup>3</sup> Nearly 80 Alabama institutions currently participate in ASAP.<sup>4</sup>
- › The Alabama Student Grant Program is available only to students at an eligible independent Alabama college or university (currently 13 institutions participate).<sup>5</sup> Grant amounts vary from year to year based on the availability of funds but cannot exceed \$1,200 per academic year.<sup>6</sup> It is not a need-based grant program.<sup>7</sup>

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1 Ala. Admin. Code R. 300-4-2-.06 [2020].

2 Ala. Admin. Code R. 300-4-2-.01 [2020].

3 Ala. Admin. Code R. 300-4-2-.06 [2020].

4 Alabama Commission on Higher Education, "Student Financial Assistance," <https://perma.cc/A2MZ-ZAUB>.

5 Ala. Admin. Code R. 300-4-3-.03 [2020].

6 Ala. Code § 16-33A-3 [2020]; and Ala. Admin. Code R. 300-4-3-.04 [2020].

7 Alabama Commission on Higher Education, "Student Financial Assistance," <http://ache.edu/StudentAsst.aspx>.

The Police Officer's and Firefighter's Survivors Educational Assistance Program provides grants covering tuition, fees, books and supplies for undergraduate programs at Alabama public institutions for dependents and eligible spouses of Alabama police officers killed in the line of duty.<sup>8</sup> Several other aid programs are available for, among others, the children and spouses of deceased or disabled Alabama veterans and dependents of blind parents who have demonstrated financial need.<sup>9</sup> In addition, Alabama offers the Fostering Hope Scholarship for students who were in the foster care system at the time of receiving their high school credential and are currently 26 years old or younger.<sup>10</sup>

For up-to-date information and contacts for Alabama state financial aid, visit the Alabama Commission on Higher Education, Student Financial Assistance at <http://ache.edu/StudentAsst.aspx>.

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8 Ala. Admin. Code R. 300-4-7-.01 (2020).

9 Ala. Code § 31-6-1 (2020) et seq.; and Ala. Code § 16-33-1 (2020) et seq.

10 Ala. Code § 38-12B-6 (2020).

# Alaska state financial aid programs for incarcerated students

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Alaska has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

Alaska offers two principal financial aid programs for residents, neither of which contains explicit barriers for incarcerated students. The Alaska Education Grant program distributes \$500 to \$4,000 per year to students who attend accredited postsecondary institutions in Alaska; grants are awarded based on criteria including financial need, prior receipt of the award, and enrollment as a full-time or “on-time” student.<sup>11</sup> The Alaska Performance Scholarship program awards three different levels of aid to students who attend postsecondary programs within six years of high school (or equivalent) graduation based on academic achievement in high school and performance on standardized tests.<sup>12</sup> Tuition waivers for spouses or dependents of peace officers, members of the armed services, or firefighters who died in the line of duty are also available.<sup>13</sup> Students who are currently or were formerly in foster care may be eligible for college-run tuition waivers.<sup>14</sup>

For up-to-date information and contacts for Alaska state financial aid, visit the Alaska Commission on Postsecondary Education at <https://acpe.alaska.gov/FINANCIAL-AID>.

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<sup>11</sup> Alaska Stat. §§ 14.43.400-420 (2020); Alaska Admin. Code tit. 20, §§ 16.005-16.050 (2020). A full-time student must be enrolled in at least 12 undergraduate semester hours per term. An “on-time” student must be enrolled in at least 15 semester hours or the equivalent course load, which can be distributed between two or more institutions of higher education. Alaska Stat. § 14.43.990 (2020). Alaska Admin Code tit. 20 § 15.945(j).

<sup>12</sup> Alaska Stat. §§ 14.43.810-849 (2020); Alaska Admin. Code tit. 20, §§ 16.205-16.250 (2020).

<sup>13</sup> Alaska Stat. § 14.43.085 (2020).

<sup>14</sup> Alaska Department of Health and Social Services, Office of Children’s Services, “Financial Assistance for Post-Secondary Education and Training,” <http://dhss.alaska.gov/ocs/Pages/independentliving/etv.aspx>.

# Arizona state financial aid programs for incarcerated students

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Arizona's laws do not prevent incarcerated students in the state from consideration for state financial aid; nevertheless, these students generally do not have access to the state's financial aid programs. In practice, the Arizona Commission for Postsecondary Education (ACPE) requires all students to meet Pell Grant eligibility requirements to be considered for state aid programs.<sup>15</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should be eligible to receive aid from the state of Arizona following Pell reinstatement.

## Financial aid programs with practice barriers for incarcerated students

Arizona's primary student aid program is the Arizona Leveraging Educational Assistance Partnership (AzLEAP), which provides need-based financial assistance to low-income, Arizona resident, undergraduate students to attend postsecondary institutions in the state of Arizona.<sup>16</sup> Under Arizona law, students are not required to be Pell-eligible to be considered for this grant.<sup>17</sup> However, a representative from ACPE told Vera in 2018 that the state will award AzLEAP grants only to those students who meet Pell

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<sup>15</sup> ACPE, "Arizona Student Financial Aid Programs," <https://azgrants.az.gov/arizona-leveraging-educational-assistance-partnership-azleap>. The website advises that an applicant "must have substantial financial need [be eligible for the Federal Pell Grant] as determined by the Free Application for Federal Student Aid (FAFSA)."; Telephone interview by Kimara Davis, summer associate, Clifford Chance US LLP, with a representative of ACPE, June 22, 2018.

<sup>16</sup> Ariz. Rev. Stat. Ann. § 15-1856 (2020).

<sup>17</sup> Ariz. Rev. Stat. Ann. § 15-1856 (2020).

Grant requirements.<sup>18</sup> This requirement also appears on the ACPE financial aid website.<sup>19</sup> As long as ACPE follows this interpretation, as incarcerated students become eligible for Pell Grants following Pell reinstatement, they should also become eligible for state financial aid in Arizona.

## Financial aid programs without barriers for incarcerated students

Arizona offers tuition waivers for students who are the children or spouses of peace officers, correctional officers, firefighters, paramedics, National Guard members, or members of the U.S. armed forces killed or disabled in the line of duty.<sup>20</sup> In addition, qualifying students who are incarcerated may also apply for the state's foster care tuition waiver.<sup>21</sup>

For up-to-date information and contacts for Arizona state financial aid, visit the Arizona Commission for Postsecondary Education at <https://azgrants.az.gov/available-grants>.

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18 Telephone interview by Kimara Davis, summer associate, Clifford Chance US LLP, with a representative of ACPE, June 22, 2018.

19 ACPE, “Arizona Student Financial Aid Programs,” <https://azgrants.az.gov/arizona-leveraging-educational-assistance-partnership-azleap>. The website advises that an applicant “must have substantial financial need [be eligible for the Federal Pell Grant] as determined by the Free Application for Federal Student Aid (FAFSA)” (emphasis added).

20 Ariz. Rev. Stat. Ann. § 15-1808 (2020). Children of qualifying disabled or deceased individuals generally must be under the age of 30 to qualify for this waiver.

21 Ariz. Rev. Stat. Ann. § 15-1809.01 (2020). Students must be under 23 years of age to use this waiver.

# Arkansas state financial aid programs for incarcerated students

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Incarcerated students who are enrolled in postsecondary education programs in Arkansas are expressly barred by statute from consideration for the state's largest financial aid program: the Academic Challenge Scholarship.<sup>22</sup> Unfortunately, Pell reinstatement will not impact the eligibility of incarcerated students for this program. However, students who are incarcerated in Arkansas are eligible for other state aid programs. These programs have a number of statutory and regulatory eligibility requirements, such as working in the state for a minimum number of years after obtaining a degree.

## Financial aid programs with statutory barriers for incarcerated students

The Academic Challenge Scholarship, which awards financial aid to students regardless of their academic status, has a statutory ban for students who are incarcerated.<sup>23</sup> The scholarship, primarily funded by the state lottery, awards students attending both four-year and community colleges a \$1,000 scholarship for their first year of full-time studies.<sup>24</sup> The award increases for successive years of study.<sup>25</sup>

## Financial aid programs without barriers for incarcerated students

No other Arkansas state financial aid programs carry categorical barriers

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22 Ark. Code Ann. § 6-85-206(8) (2019); and Ark. Admin. Code § 008-04-1 (2019) (repeating the statutory incarceration ban).

23 Ibid.

24 Arkansas Department of Higher Education, "Academic Challenge Scholarship," <https://scholarships.adhe.edu/scholarships/detail/academic-challenge-scholarships>.

25 Ibid.

for incarcerated students.<sup>26</sup> The following are financial aid programs for which otherwise eligible incarcerated students may apply:

- › Arkansas Concurrent Challenge Scholarship Program;<sup>27</sup>
- › Arkansas Workforce Challenge;<sup>28</sup>
- › Arkansas Future Grant (ArFuture);<sup>29</sup> and
- › Arkansas Governor’s Scholars Program.<sup>30</sup>

In addition to these programs, Arkansas provides a fee waiver for students who are dependents of deceased or disabled law enforcement or emergency personnel or veterans.<sup>31</sup>

A representative of the Arkansas Department of Higher Education (ADHE) stated that each college administers the state grants and that the colleges themselves should be contacted to determine whether incarcerated students are eligible.<sup>32</sup> Since there is no apparent barrier to incarcerated students applying for four of the state aid programs, students should speak with their financial aid offices about which state programs their colleges take advantage of and the process for helping incarcerated students apply for funding.

For up-to-date information and contacts for Arkansas state financial aid, visit the Arkansas Department of Higher Education at <https://scholarships.adhe.edu/scholarships-and-programs/a-z/>.

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26 Ark. Code Ann. § 6-82-1802 (2019); Ark. Admin. Code § 008.10.18.001-1 (2019); and Ark. Code Ann. §§ 6-85-304 and 6-82-306 (2019).

27 Ark. Code Ann. § 6-85-403 (2019).

28 Ark. Code Ann. § 6-85-304 (2019). The Arkansas Workforce Challenge requires that students be enrolled in a degree or certificate program leading to a career in industry, health care, or information technology.

29 Ark. Code Ann. § 6-82-1802 et seq. (2021). The Arkansas Future Grant provides funding for students enrolled in science, technology, engineering, and math (STEM) high-demand areas of study and can be used to help students pay for qualifying certificate and associate’s degree programs. It has a number of requirements that may affect eligibility or potential repayment terms for incarcerated students, such as community service, residence in the state for three consecutive years, and employment within six months of receiving a degree or certificate. Ark. Code Ann. § 6-82-1804 (2019).

30 The Governor’s Scholars Program provides merit scholarships to high-achieving residents. It gives priority to students who attend college in the first academic year after receiving their high school credential. Ark. Code Ann. § 6-82-306 (2019).

31 Ark. Code Ann. § 6-82-601 (2019) (authorizing a tuition waiver for dependents of certain veterans who are declared to be missing in action, killed in action, or permanently disabled); and Ark. Code Ann. § 6-82-503 (2019) (authorizing tuition waivers for certain disabled or deceased law enforcement officers or emergency personnel).

32 Telephone interview by Zal Shroff, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with an ADHE representative, April 27, 2018.

# California state financial aid programs for incarcerated students

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Incarcerated students enrolled in postsecondary education programs in the state of California are not eligible for the state's largest financial aid program, the Cal Grant program. In addition, incarcerated students are barred from receiving aid under two other state financial aid programs. There are a handful of other state financial aid programs that are open to incarcerated students in California, including the California College Promise Grant for per-unit enrollment fees at community colleges.

## Financial aid programs with statutory barriers for incarcerated students

The following state financial aid grants have statutory bans on incarcerated student eligibility:

- › Cal Grant program, including Cal Grants A, B, C, and related grants;<sup>33</sup>
- › Middle Class Scholarship Program;<sup>34</sup> and
- › Community Colleges Student Success Completion Grant.<sup>35</sup>

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33 Cal. Educ. Code § 69433.9(c) [2020].

34 Cal. Educ. Code § 70022(a)(2)(C) [2020].

35 Cal. Educ. Code § 88931(b)(1) [2020].

## Financial aid programs with practice barriers for incarcerated students

The Law Enforcement Personnel Dependents (LEPD) Grant Program follows Cal Grant eligibility guidelines.<sup>36</sup> Unfortunately, Pell reinstatement will not impact the eligibility of incarcerated students for this program.

## Financial aid programs without barriers for incarcerated students

The following financial aid programs have neither statutory nor regulatory barriers preventing incarcerated students from being eligible:

- › California College Promise Grant (formerly the Board of Governors Fee Waiver);<sup>37</sup>
- › Chafee Grant for Foster Youth;<sup>38</sup> and
- › California State Work-Study Program.<sup>39</sup>

For up-to-date information and contacts for California state financial aid, visit the California Student Aid Commission at <https://www.csac.ca.gov/students>.

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36 California Student Aid Commission, “Law Enforcement Personnel Dependents Grant Program,” <https://www.csac.ca.gov/law-enforcement-personnel-dependents-grant-program-lepd>.

37 Cal. Educ. Code § 76300(g) [2020].

38 Students must not have reached their 26<sup>th</sup> birthday as of July 1<sup>st</sup> of the award year in order to apply. California Student Aid Commission, “California Chafee Grant for Foster Youth,” <https://chafee.csac.ca.gov/#chafee-home-eligibility>.

39 Cal. Educ. Code § 69956 [2020].

# Colorado state financial aid programs for incarcerated students

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Colorado's laws do not prevent incarcerated students residing in the state from consideration for state financial aid; nevertheless, these students generally do not have access to the state's financial aid programs. In practice, the Colorado Commission on Higher Education (CCHE) requires all students to meet Pell Grant eligibility requirements to be considered for state aid programs.<sup>40</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should be eligible to receive aid from the state of Colorado when Pell reinstatement takes effect.

## Financial aid programs with statutory barriers for incarcerated students

The Colorado CollegeInvest Scholarship Program requires by statute that an eligible student demonstrate financial need through Pell eligibility.<sup>41</sup> The College Opportunity Fund is limited by statute, with respect to participating private colleges, to students who demonstrate financial need through Pell eligibility.<sup>42</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should be eligible to receive these forms of state aid following Pell reinstatement.

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<sup>40</sup> Colorado Department of Higher Education, "Financial Aid for Students," <https://cdhe.colorado.gov/students/preparing-for-college/financial-aid-for-students>. Telephone interview by Karleene Diaz, summer associate, Clifford Chance US LLP, with Andrew Rauch, director of institutional finance, Colorado Commission for Higher Education, June 25, 2018.

<sup>41</sup> Colo. Rev. Stat. § 23-3.1-206.9 [2020].

<sup>42</sup> Colo. Rev. Stat. § 23-18-202 [2020]. College Opportunity Fund, "Frequently Asked Questions," <https://cof.college-assist.org/Home/Faq#eligibility>.

## Financial aid programs with practice barriers for incarcerated students

Colorado offers financial aid for undergraduate and graduate students through the Colorado Student Grant and Graduate Grant.<sup>43</sup> The state also provides aid through work study, as well as tuition waivers for dependents of certain deceased or disabled members of the military, National Guard members, law enforcement personnel, or firefighters.<sup>44</sup> Under Colorado laws and regulations, students are not required to be Pell-eligible to be considered for these financial aid programs.<sup>45</sup> A representative from CCHE confirmed that the state will award financial assistance in the form of grants and work study only to those students who meet Pell Grant requirements.<sup>46</sup> As long as CCHE follows this interpretation and incarcerated students become eligible for Pell Grants, they should also become eligible for state financial aid in Colorado.

In 2018, the Colorado legislature eliminated the requirement that incarcerated students bear the costs of postsecondary education entirely themselves.<sup>47</sup>

For up-to-date information and contacts for Colorado state financial aid, visit the Colorado Department of Higher Education at <https://higher.ed.colorado.gov/>.

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<sup>43</sup> Colo. Rev. Stat. § 23-3.5-103 [2020].

<sup>44</sup> Colo. Rev. Stat. § 23-3.3-401 [2020]; and Colo. Rev. Stat. § 23-3.3-205 [2020].

<sup>45</sup> Colo. Rev. Stat. § 23-3.3-102 [2020]; and Colorado Department of Higher Education (DHE), *Guidelines for Administering State Funded Student Assistance Programs, 2017–18* (Denver, CO: DHE, 2017), §§ 5.01.02–7.02.03, <https://higher.ed.colorado.gov/sites/highered/files/2020-03/state-funded-student-assistance-programs-guidelines-fy1718.pdf>.

<sup>46</sup> Telephone interview by Karleene Diaz, summer associate, Clifford Chance US LLP, with Andrew Rauch, director of institutional finance, Colorado Commission for Higher Education, June 25, 2018.

<sup>47</sup> Colorado HB 18-1437 [2018], amending Colo. Rev. Stat. § 17-32-105 [2018], [https://leg.colorado.gov/sites/default/files/2018a\\_1437\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2018a_1437_signed.pdf).

# Connecticut state financial aid programs for incarcerated students

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Connecticut has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid. However, otherwise eligible undocumented students and veterans may not receive state financial aid if they have been convicted of a felony.<sup>48</sup>

## Financial aid programs without barriers for incarcerated students

Connecticut has two main financial aid programs:

- › the Roberta B. Willis Scholarship Program offers grants to students with financial need who are ranked in the top 20 percent of their class or meet ACT/SAT score cut-offs; and
- › the Roberta B. Willis Scholarship Grant is available to students who attend Connecticut public or nonprofit private colleges and have financial need.<sup>49</sup>

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<sup>48</sup> Conn. Gen. Stat. §§ 10a-161d(1)-(2) (2021).

<sup>49</sup> The Roberta B. Willis Scholarship Program and Scholarship Grant were formerly known as the Governor's Scholarship Program and Scholarship Grant. Conn. Gen. Stat. § 10a-173 (2021).

The state also offers education grants to children of veterans who were disabled or killed in the line of duty.<sup>50</sup> By state policy, the Department of Children and Families covers foster care students' tuition, room and board, books, tutoring, and health care until the students reach the age of 23.<sup>51</sup> In addition, the state offers a similar program for students adopted from the Department of Children and Families.<sup>52</sup>

For up-to-date information and contacts for Connecticut state financial aid, visit the Office of Higher Education at <http://www.ctohe.org/SFA/default.shtml>.

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50 Conn. Gen. Stat. § 10a-166 (2021).

51 Emily Parker and Molly Sarubbi, *50-State Review: Tuition Assistance Programs for Foster Care Youth Pursuing Postsecondary Education* (Denver, CO: Education Commission of the States, 2017), 3-4, <https://files.eric.ed.gov/fulltext/ED573294.pdf>; and Connecticut State Department of Children and Families, *Policy Manual / Practice Guides* (Hartford, CT: Connecticut State Department of Children and Families, 2019), ch. 28, <https://portal.ct.gov/DCF/Policy/Legal/V12>.

52 Jessica Callahan, *College Tuition Assistance for Adopted Students* (Hartford, CT: Connecticut General Assembly Office of Legislative Research, 2018), table 1, <https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0282.pdf>.

# Delaware state financial aid programs for incarcerated students

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Students with felony convictions on their records are not eligible for three of Delaware's scholarship programs, even after returning to the community. Therefore, Pell reinstatement will not impact access to state financial aid. Incarcerated students may, however, be eligible for at least one of the state's smaller financial aid programs.

## Financial aid programs with statutory barriers for incarcerated students

The Delaware Student Excellence Equals Degree (SEED) Scholarship contains a statutory barrier for students who have previously been convicted of a felony.<sup>53</sup> SEED Scholarships are available only to first-year postsecondary students entering full-time programs who attended a Delaware high school and meet grade point average (GPA) requirements.<sup>54</sup> The scholarships cover undergraduate tuition for students admitted to Delaware Technical Community College and the University of Delaware Associate in Arts Program.<sup>55</sup>

Similarly, students who have previously been convicted of a felony are not eligible for the Delaware State Inspire Scholarship, which offers tuition assistance for students enrolling in Delaware State University, or the Delaware Advance Scholarship, which awards grants to students with intellectual disabilities who pursue studies leading to a recognized credential.<sup>56</sup> Delaware students who have been convicted of a felony are permanently ineligible for these three programs.<sup>57</sup>

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53 Del. Code Ann. tit. 14 § 3404A(a)(2) (2021).

54 Del. Code Ann. tit. 14 § 3404A(a)(4) (2021).

55 Del. Code Ann. tit. 14 § 3401A(a) (2021).

56 Del. Code Ann. tit. 14 §§ 3409A and 3412A(2) (2021); and Del. Code Ann. tit. 14 § 3424A(a)(5).

57 Del. Code Ann. tit. 14 § 3404A(a)(2) (2021).

## Financial aid programs without barriers for incarcerated students

The Delaware Higher Education Office administers several scholarships for Delaware residents, none of which has statutory barriers for incarcerated students or students who have a felony conviction.<sup>58</sup> The Scholarship Incentive Program provides scholarships to students enrolled in full-time graduate and undergraduate programs in the state.<sup>59</sup> In addition, Delaware offers a number of professional incentive scholarships without statutory barriers for incarcerated students.<sup>60</sup> These scholarships provide aid to students who are studying to enter fields such as teaching, nursing, speech and language pathology, library studies, and optometry.<sup>61</sup> The state also offers a number of memorial scholarships, the majority of which are granted to students attending the University of Delaware and Delaware State University.<sup>62</sup>

The Ivyane D. F. Davis Memorial Scholarship awards up to 50 scholarships annually for students who were previously in the foster care system and who plan to attend a postsecondary institution or vocational school.<sup>63</sup> In addition, students who are children of qualifying veterans, state police officers, or state transportation employees killed in the line of duty are eligible for tuition benefits up to the average cost of their chosen postsecondary programs at Delaware public universities.<sup>64</sup>

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58 Delaware Department of Education, “Financial Aid: Undergraduate Financial Assistance,” <https://www.doe.k12.de.us/Page/1893>.

59 Del. Code Ann. tit. 14 § 3413 (2021). Students enrolled in educational institutions in states with scholarship reciprocity agreements or in graduate programs that are not offered in Delaware are also eligible for this funding. Scholarships are awarded based on merit and financial need.

60 It should be noted that these professional incentive scholarships require that students enter the targeted profession within 12 months of graduation or the grant will be treated as an interest-bearing loan to be paid off in monthly installments. Del. Code Ann. tit. 14 §§ 3416-3418(f) (2021).

61 Del. Code Ann. tit. 14 §§ 3416-3424 (2021). These scholarships are generally merit-based.

62 Del. Code Ann. tit. 14 §§ 3440-3444 (2021). These scholarships are for students enrolled in full-time programs and are generally merit based, although need may be a consideration when choosing among similarly qualified students. Del. Code Ann. tit. 14 § 3441(a) (2021).

63 Del. Code Ann. tit. 14 § 3445 (2021). There is no statutory requirement that students be enrolled full time to be eligible.

64 Del. Code Ann. tit. 14 §§ 3452 and 3455 (2021).

These scholarships require students to demonstrate some degree of financial need, as determined by the Free Application for Federal Student Aid (FAFSA). There are some unique challenges to preparing FAFSA applications for incarcerated students. Vera and its partner Second Chance Pell sites have grappled with these issues and are happy to be a resource for any college in Delaware working to enroll incarcerated students.

For up-to-date information and contacts for Delaware state financial aid, visit the Delaware Higher Education Office at <https://www.doe.k12.de.us/Page/2243>.

# District of Columbia financial aid programs for incarcerated students

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The District of Columbia has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The District of Columbia has two financial aid programs. The DC Tuition Assistance Grant compensates for the lack of “in-state” colleges and universities by paying the difference between in-state and out-of-state tuition at Maryland and Virginia public colleges and universities. If the student cannot be admitted to a public college or university in those states, they may apply for a waiver allowing them to use the grant across the country.<sup>65</sup> The DC Mayor’s Scholars Undergraduate Program provides need-based funding for eligible DC residents earning their first associate’s or first bachelor’s degree at select area colleges and universities.<sup>66</sup> The program is a last-dollar award, meaning it can be used to fill the gap between a student’s financial aid package and the cost of attendance.

For up-to-date information and contacts for District of Columbia financial aid, visit the Office of the State Superintendent of Education at <https://osse.dc.gov/service/dc-tuition-assistance-grant-dctag>.

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<sup>65</sup> D.C. Code § 38-2702 (2021). Students are eligible for this tuition assistance if they begin their studies within three years after receiving their high school credential or the equivalent.

<sup>66</sup> Office of the State Superintendent of Education, “DC Mayor’s Scholars Undergraduate Program,” <https://osse.dc.gov/mayorsscholars>.

# Florida state financial aid programs for incarcerated students

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The state of Florida operates many different state-funded financial aid programs. Each program carries separate statutory and regulatory eligibility requirements.<sup>67</sup> Incarcerated students who are enrolled in postsecondary education programs in Florida are eligible for most state financial aid grants, but are not eligible for the Florida Bright Futures Scholarship.

## Financial aid programs with statutory and regulatory barriers for incarcerated students

The Florida Bright Futures Scholarship, which awards merit-based aid covering up to 100 percent of tuition costs as well as some educational expenses, has a statutory conviction ban.<sup>68</sup> Students who have been convicted of a felony—whether or not they are in prison—are permanently barred by both statute and regulation from receiving the Florida Bright Futures Scholarship unless they have been granted clemency by the governor.<sup>69</sup>

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<sup>67</sup> For a summary of these programs and their eligibility requirements, see Florida Office of Student Financial Assistance, “Florida Student Scholarship & Grant Programs,” <http://www.floridastudentfinancialaid.org/SSFAD/home/uamain.htm>.

<sup>68</sup> Fla. Stat. ch. 1009.531(e) [2020]; and Fla. Admin. Code Ann. r. § 6A-20.028(3)(b) [2016].

<sup>69</sup> Fla. Stat. ch. 1009.531(e) [2020]. Although the statute provides that a student may “[n]ot have been found guilty of, or entered a plea of *nolo contendere* to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency,” the administrative rule carves out an additional exception for students whose felony conviction was adjudicated in juvenile court, even if an adult court initially had jurisdiction over the proceedings, or whose record has been expunged or sealed by court order. Fla. Admin. Code Ann. r. § 6A-20.028(3)(b) [2016].

## Financial aid programs without barriers for incarcerated students

No other state financial aid program besides the Bright Futures Scholarship carries a categorical barrier for incarcerated students or those with felony convictions.<sup>70</sup> The following are financial aid programs for which otherwise eligible incarcerated students may apply:

- › Access to Better Learning and Education Grant;<sup>71</sup>
- › First Generation Matching Grant Program;<sup>72</sup>
- › William L. Boyd, IV, Effective Access to Student Education Program;<sup>73</sup>
- › Florida Farmworker Student Scholarship Program; <sup>74</sup>
- › Florida Student Assistance Grant;<sup>75</sup>
- › Florida Work Experience Program;<sup>76</sup>
- › Congressman C.W. Bill Young Veteran Tuition Waiver Program (sometimes called the Honorably Discharged Graduate Assistance Program);<sup>77</sup>
- › José Martí Scholarship Challenge Grant;<sup>78</sup>
- › Mary McLeod Bethune Scholarship;<sup>79</sup>
- › Rosewood Family Scholarship;<sup>80</sup> and
- › Scholarships for Children and Spouses of Deceased or Disabled Veterans.<sup>81</sup>

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70 See Fla. Stat. ch. 1009.50-1009.894 (2020); and Fla. Admin. Code Ann. r. § 6A-20 (2020) (Student Financial Assistance) (describing eligibility criteria for all state financial aid programs). The majority of these programs use the baseline requirements set forth by statute for all financial aid programs. Fla. Stat. ch. 1009.40 (2020).

71 Fla. Stat. ch. 1009.891 (2020).

72 Fla. Stat. ch. 1009.701 (2020).

73 Fla. Stat. ch. 1009.89 (2020).

74 Fla. Stat. ch. 1009.894 (2020).

75 Fla. Stat. ch. 1009.50-1009.52 (2020). See also Fla. Board of Ed. Rules 6A-20.031-6A-20.033 (2020).

76 The requirements for the Florida Work Experience Program grant may pose additional challenges for incarcerated students. This grant is available to farmworkers and children of farmworkers. Students cannot have had any disciplinary actions brought against them, as recorded on the student's high school transcript. Students must also be enrolled in a minimum of 12 credits. Fla. Stat. ch. 1009.84 (2020).

77 Fla. Stat. ch. 1009.26 (13)(a) (2020).

78 Fla. Stat. ch. 1009.72 (2020).

79 Fla. Stat. ch. 1009.73 (2020).

80 Fla. Stat. ch. 1009.55 (2020).

81 Fla. Stat. ch. 295.01 (2020); Fla. Stat. ch. 295.015 (2020); and Fla. Board of Ed. Rules 6A-20.019 (2020).

In addition to these programs, Florida provides a fee waiver for students who were in the custody of the Department of Children and Families at the time they reached age 18, were adopted from the Department of Children and Families, were placed in a guardianship by a court after reaching age 16, or who turned 18 while in court-ordered temporary or permanent custody of a relative or nonrelative caregiver.<sup>82</sup>

For up-to-date information and contacts for Florida state financial aid, visit the Office of Student Financial Assistance at <http://www.floridastudentfinancialaid.org/>.

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<sup>82</sup> Fla. Stat. ch. 1009.25 (2020).

# Georgia state financial aid programs for incarcerated students

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Students who are incarcerated are not eligible for state financial aid in Georgia.<sup>83</sup> In addition, the Realizing Educational Achievement Can Happen (REACH) scholarship is unavailable to students who have been convicted of felonies involving certain controlled substances. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with permanent barriers for students convicted of drug felonies or incarcerated while receiving aid

The Georgia Drug-Free Postsecondary Education Act of 1990 disqualifies any student currently receiving state financial aid or loans from consideration for state funding during any semester that the student is convicted of any felony involving marijuana, controlled substances, or “dangerous drugs” as defined by Georgia statute.<sup>84</sup>

In addition, the REACH scholarship permanently disqualifies students with any of the above felony convictions.<sup>85</sup> Students who have been incarcerated are permanently barred from the REACH program.<sup>86</sup>

## Financial aid programs with barriers for

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83 Ga. Code Ann. § 20-3-519.1(6) (2019).

84 Ga. Code Ann. §§ 20-1-20 et seq. (2019).

85 The REACH scholarship is awarded to graduating middle school students, who receive academic support and mentoring as well as a \$10,000 scholarship, to fund up to four years of secondary education. Georgia Student Finance Commission (GSFC), *Realizing Educational Achievement Can Happen Scholarship, Regulations – 5200* (Tucker, GA: GSFC, 2020), § 5207.8, <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-REACH.pdf>.

86 GSFC, *REACH*, 2020, § 5207.9.

## incarcerated students

There is a general statutory barrier preventing incarcerated students from receiving funds from any of Georgia's student financial aid programs.<sup>87</sup> On rejoining the community, students may apply to the following programs if they meet the eligibility requirement of the specific grant:

- › Georgia Helping Educate Reservists and their Offspring;<sup>88</sup>
- › Georgia Military College State Service Scholarship;<sup>89</sup>
- › Georgia Public Safety Memorial Grant Program;<sup>90</sup>
- › Tuition Equalization Grant;<sup>91</sup>
- › University of North Georgia Military Scholarship Program and Reserve Officers' Training Corps Grant Program;<sup>92</sup>
- › HOPE Scholarship Program;<sup>93</sup> and
- › Zell Miller Grant and Scholarship Program.<sup>94</sup>

For up-to-date information and contacts for Georgia state financial aid, visit the Georgia Student Finance Commission at <https://www.gafutures.org/hope-state-aid-programs/>.

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87 In addition to the general statutory barrier codified in Ga. Code Ann. § 20-3-519.1(6) (2019), each scholarship contains a ban that prevents incarcerated students from accessing the state financial aid benefit. The ban on incarcerated students receiving state financial aid was confirmed by Department of Corrections Vocational Director Heather Corbett and Director of Education Melinda Dennis.

88 Ga. Code Ann. §§ 20-3-485 to -487 (2019). Available to members of the Georgia National Guard, US Military Reservists, their spouses, and their children.

89 Georgia HB 444 (2020); and Georgia Student Finance Commission, "Regulations 2020-2021," <https://gsfc.georgia.gov/regulations/regulations-2020-2021>. Covers the costs of education at a two-year Georgia Military College with an obligation to serve as an officer in the state National Guard upon graduation.

90 Georgia Student Finance Commission, "Regulations 2020-2021," <https://gsfc.georgia.gov/regulations/regulations-2020-2021>. Available for the dependents of public safety officers of Georgia who were disabled or killed in the line of duty.

91 Ga. Code Ann. § 20-3-410 et seq. (2019). Grant assistance for students to attend an eligible four-year private postsecondary education institution, which does not necessarily have to be in the state.

92 Ga. Code Ann. §§ 20-3-420 et seq. and 20-3-431 et seq. (2019). After students receive these awards, they must attend the University of North Georgia, the state-sponsored military college, and serve as an officer or reserve officer, respectively, in the Army National Guard upon graduation.

93 The HOPE Scholarship is a merit-based award with specific academic and GPA requirements. GSFC, *HOPE Scholarship Program at Public Institutions Regulations - 100* (Tucker, GA: GSFC, 2020), <https://gsfc.georgia.gov/sites/gafc.georgia.gov/files/2019-HOPE%20Scholarship%20Public.pdf>.

94 Ga. Code Ann. §§ 20-3-519 et seq. (2019). Grant and merit-based scholarship for students to obtain a degree at specified technical institutions. Students convicted of certain felony offenses involving marijuana, controlled substances, or other drugs may be ineligible for this award from the date of their conviction to the completion of the following school term.

# Hawai`i state financial aid programs for incarcerated students

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Hawai`i has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with no barriers for incarcerated students

Hawai`i provides financial assistance funds to the 10 colleges and universities that comprise the state's higher education system, the University of Hawai`i System, which are then distributed through various programs managed by the Board of Regents.<sup>95</sup> These programs include:

- › Hawai`i Opportunity Program In Education (HOPE);<sup>96</sup>
- › Hawai`i state scholars program;<sup>97</sup>
- › Hawai`i Workforce Development scholarship program;<sup>98</sup>
- › Hawai`i Community College Promise program;<sup>99</sup> and
- › State of Hawai`i B Plus Scholarship.<sup>100</sup>

In addition to the above aid, a considerable number of scholarships, such as the Hawai`i Second Century Scholarship, are available for native Hawaiian students pursuing postsecondary degrees and certificates, funded through private foundations, civic organizations, and the Office of Hawaiian Affairs.<sup>101</sup> There are also campus-specific scholarships available.

For up-to-date information and contacts for Hawai`i state financial aid, visit the Hawai`i State Department of Education at <https://www.hawaii.edu/tuition/financial-aid/>.

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<sup>95</sup> Haw. Rev. Stat. § 305J-4 (2020); and Haw. Rev. Stat. § 304A-501 (2020).

<sup>96</sup> Haw. Rev. Stat. § 304A-503 (2020).

<sup>97</sup> Haw. Rev. Stat. § 304A-504 (2020).

<sup>98</sup> Haw. Rev. Stat. § 304A-505 (2020).

<sup>99</sup> Haw. Rev. Stat. § 304A-506 (2020).

<sup>100</sup> Haw. Rev. Stat. § 304A-2159 (2020).

<sup>101</sup> Office of Hawaiian Affairs, "Scholarships," <https://www.oha.org/scholarships>.

# Idaho state financial aid programs for incarcerated students

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Idaho has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with no barriers for incarcerated students

The Idaho State Board of Education provides the following scholarships, which are available to otherwise eligible incarcerated students:

- › Idaho Opportunity Scholarship;<sup>102</sup>
- › Idaho Opportunity Scholarship for Adult Learners;<sup>103</sup>
- › Idaho Armed Forces and Public Safety Officer Scholarship;<sup>104</sup>
- › Tschudy Family Scholarship;<sup>105</sup> and
- › GEAR UP Idaho Scholarship 2.<sup>106</sup>

For up-to-date information and contacts for Idaho state financial aid, visit the Idaho State Board of Education at <https://boardofed.idaho.gov/scholarships/>.

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102 Idaho Code § 33-4303 (2020). The Idaho Opportunity Scholarship is a merit- and needs-based award requiring a cumulative GPA of at least 2.7 for graduates of an Idaho high school or its equivalent. Recipients must attend a postsecondary institution in Idaho.

103 Idaho Code § 33-4303(6) (2020). Up to 20 percent of funds available for the Opportunity Scholarship Program may be used for awards to adult students who have earned at least 24 credits toward a postsecondary degree and seek to finish their degree.

104 Idaho Code § 33-4302 (2020). This scholarship is for spouses and children of former Idaho residents or military members deployed from Idaho who are prisoners of war, missing in action, killed, or disabled during U.S. armed conflict, or of full-time public safety officers in Idaho killed or disabled in the line of duty. Idaho defines public safety officer as “a peace officer or firefighter, a paramedic or emergency medical technician.” Idaho Code § 33-4302(d) (2020).

105 The Tschudy Family Scholarship is available only to graduates of Emmett High School who attend Boise State University, Idaho State University, Lewis-Clark State College, or the University of Idaho within seven years of graduating high school. Idaho State Board of Education, “Tschudy Family Scholarship Guidelines,” <https://boardofed.idaho.gov/resources/tschudy-family-scholarship-guidelines>.

106 The scholarship is only for applicants younger than 22 years old upon initial application who graduated from an Idaho high school and participated in the GEAR UP program. Idaho State Board of Education, “GEAR UP Idaho Scholarship 2,” <https://boardofed.idaho.gov/scholarships/gear-up-idaho-scholarship-2>.

# Illinois state financial aid programs for incarcerated students

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Students who are incarcerated are not eligible for the majority of the state financial aid programs in Illinois, unless they are military veterans. The Illinois Higher Education Student Assistance Act limits the application of state financial aid to “qualified institutions”—rather than qualifying individuals—and defines “qualified institution” and related terms to exclude programs operated for the benefit of incarcerated students even if they are run by otherwise eligible institutions.<sup>107</sup> Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

Under Illinois law, students enrolled in postsecondary education programs serving incarcerated populations are not eligible for any financial aid funded by the Higher Education Student Assistance Act.<sup>108</sup> The following is a list of state aid programs with barriers for incarcerated students:

- › Illinois Merit Recognition Scholarship Program;<sup>109</sup>
- › Illinois Monetary Award Program;<sup>110</sup>

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107 Programs for incarcerated people are excluded from qualification even if they are run by an institution at which other students may apply for state financial aid: “[f]or otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms ‘institution of higher learning,’ ‘qualified institutions,’ and ‘institution’ shall specifically exclude academic programs for incarcerated students.” 110 Ill. Comp. Stat. 947/10 (2020).

108 Ibid.

109 110 Ill. Comp. Stat. 947/31 (2020). Eligible applicants for this award must enroll at a “qualified institution,” which bars incarcerated students by definition, or “Service Academy.” The definition of Service Academy does not exclude programs offered to incarcerated students; although, in practice, incarcerated students may not be able to attend classes at a Service Academy.

110 110 Ill. Comp. Stat. 947/35 (2020). The aid is available to residents of the state who, without the assistance of financial aid, “will be deterred by financial considerations” from attending a qualified institution. Illinois also administers the Monetary Award Program Plus. 110 Ill. Comp. Stat. 947/39 (2020).

- › Silas Purnell Illinois Incentive for Access Grant Program;<sup>111</sup>
- › Minority Teachers of Illinois Scholarship Program;<sup>112</sup>
- › Golden Apple Scholars of Illinois Program;<sup>113</sup>
- › Police Officer or Fire Officer Survivor Grant;<sup>114</sup>
- › Grants for dependents of Department of Corrections employees;<sup>115</sup>  
and
- › Grant for a Person Raised by a Grandparent.<sup>116</sup>

Once otherwise eligible students return to the community, however, these barriers no longer apply.

## Financial aid programs without barriers for incarcerated students

The Illinois Veteran Grant (IVG) and Illinois National Guard (ING) grant programs, by contrast, explicitly state that the grant applies to students enrolled at a “state-controlled university or public community college in this State,” rather than employing the definition of “qualified institution,” which excludes programs for incarcerated people.<sup>117</sup> Therefore, IVG and ING grants are available to incarcerated students provided all other eligibility qualifications are met. The Illinois Higher Education License Plate

111 110 Ill. Comp. Stat. 947/36 (2020). The aid is available to state residents who have limited personal or family financial resources to attend a qualified institution.

112 110 Ill. Comp. Stat. 947/50 (2020). The aid is available to minority students, as defined by statute, to attend a qualified institution and enroll in a program leading to a teacher license.

113 110 Ill. Comp. Stat. 947/52 (2020). The aid is available to minority students pursuing a degree in teaching in a “shortage discipline” or at a “hard to staff school” at an “institution of higher learning.”

114 110 Ill. Comp. Stat. 947/55 (2020). The grant is available to spouses or children of a police officer or fire fighter killed or permanently disabled to attend an “institution of higher learning” or “private institutions” in the state of Illinois.

115 110 Ill. Comp. Stat. 947/60 (2020). The grant is available to spouses or children of an employee of the Department of Corrections killed or permanently disabled to attend an “institution of higher learning” or “private institutions” in the state of Illinois.

116 110 Ill. Comp. Stat. 947/65.75 (2020). The grant is available to high school graduates who, for a period of at least 12 months preceding the application, were in the legal custody of a grandparent and received public aid assistance, and who at the time of application are enrolled in or plan to enroll in an “institution of higher learning.”

117 See, for example, 110 Ill. Comp. Stat. 947/40(a)(1)(C) (2020). The IVG program has additional qualifications for applicants, who must have been enrolled already at the time of entering federal active duty service.

110 Ill. Comp. Stat. 947/40 (2020). The ING program requires that applicants must have served at least one year in the Illinois National Guard or Illinois Naval Militia to qualify. 110 Ill. Comp. Stat. 947/45 (2020).

Grant Program is available to otherwise eligible students lacking sufficient financial means to attend a not-for-profit private college or university in Illinois.<sup>118</sup>

In addition, the state offers tuition waivers for current and former foster care students, which may be available to some incarcerated students.<sup>119</sup>

For up-to-date information and contacts for Illinois state financial aid, visit the Illinois Student Assistance Commission at <https://www.isac.org/students/during-college/types-of-financial-aid/>.

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118 110 ILCS 947/37 (2020). Unlike other state financial aid programs, the statute for this aid does not use the definition of “qualified institution” or other iterations that exclude programs for incarcerated students.

119 20 Ill. Comp. Stat. 505/8 (2021). The foster care student waiver requires that students have not been dismissed from school for a disciplinary reason, which may limit access to the waiver for some incarcerated students. The deputy director of the Bureau of Operations has the power to waive the requirement to discharge students on a case-by-case basis. Ill. Admin. Code tit. 89 § 312.100 (2021).

# Indiana state financial aid programs for incarcerated students

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Students who are incarcerated for a felony conviction and enrolled in postsecondary education programs in Indiana are not eligible for some of the state's financial aid programs, including its main state aid grant. Although there are a number of programs in Indiana that do not contain a statutory barrier for incarcerated students, the Indiana Commission for Higher Education requires students to meet federal financial aid eligibility requirements to be considered for state aid.<sup>120</sup> Therefore, it is likely that Pell reinstatement will allow incarcerated students greater access to certain types of state aid.

## Financial aid programs with statutory barriers for incarcerated students

Indiana's main state aid grant, the Frank O'Bannon Grant, has two components: the Higher Education Award and the Freedom of Choice Award.<sup>121</sup> The Higher Education Award has a statutory barrier excluding from consideration students who have been convicted of a felony and are currently incarcerated due to that conviction.<sup>122</sup> The Indiana Commission for Higher Education has confirmed that students must meet all eligibility requirements for the Higher Education Award in order to be eligible for the Freedom of Choice Award.<sup>123</sup> This has the practical effect of excluding incarcerated students from this program as well.

In addition to the Frank O'Bannon Grant, the state of Indiana runs the 21<sup>st</sup> Century Scholarship Program, which offers mentoring and a four-year

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120 Telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Indiana Commission for Higher Education, June 18, 2019.

121 Indiana Commission for Higher Education, "Frank O'Bannon Grant," <https://www.in.gov/che/4506.htm>.

122 Ind. Code § 21-12-3-13 (2021). Individuals incarcerated for a misdemeanor are still eligible for a grant.

123 Ind. Code § 21-12-4-2 (2021); and telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Indiana Commission for Higher Education, June 18, 2019.

scholarship to eligible Indiana colleges and universities.<sup>124</sup> Students apply for the program in seventh or eighth grade and will become ineligible for scholarship funds if they break their agreement not to commit a crime or illegally use controlled substances.<sup>125</sup> It is likely that any currently incarcerated former recipients of the 21<sup>st</sup> Century Scholarship who have been convicted of a crime are no longer eligible for the scholarship.

## Financial aid programs with practice barriers for incarcerated students

The Indiana Commission for Higher Education applies federal financial aid eligibility requirements when processing applications for state financial aid. Therefore, students who were not eligible for Pell Grants may become eligible for state funding following Pell reinstatement.<sup>126</sup> These students should be considered for the following state financial aid programs following Pell reinstatement:

- › Adult Student Grant Program;<sup>127</sup>
- › Workforce Ready Grant;<sup>128</sup> and
- › Employment Aid Readiness Network (EARN) Indiana (work-study program).<sup>129</sup>

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124 Indiana Commission for Higher Education, “State Financial Aid by Program,” <https://www.in.gov/che/4498.htm>.

125 Ind. Code §§ 21-12-6-5(a)(4) and 21-12-6-6(a)(5) [2021].

126 Telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Indiana Commission for Higher Education, June 18, 2019.

127 Ind. Code § 21-12-8-3 [2021].

128 Ind. Code § 21-12-8-9 [2021]. See also State of Indiana, “Workforce Ready Grant,” <https://www.in.gov/che/state-financial-aid/state-financial-aid-by-program/workforce-ready-grant/>.

129 Ind. Code § 21-16-1-8 [2021].

## Financial aid programs without barriers to incarcerated students

Incarcerated students are eligible for tuition waivers for the children and spouses of law enforcement personnel killed or disabled in the line of duty, children of certain veterans, children and spouses of National Guard members, and senior citizens.<sup>130</sup>

For up-to-date information and contacts for Indiana state financial aid, visit the Indiana Commission for Higher Education at <https://www.in.gov/che/state-financial-aid/state-financial-aid-by-program/>.

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<sup>130</sup> Eligibility standards for children and spouses of deceased or disabled law enforcement personnel are codified at Ind. Code §§ 10-12-2-6 and 10-12-2-11 (2021); eligibility standards for children of veterans, including deceased veterans, are codified at Ind. Code §§ 21-14-4-1 through 2.5 (2021); eligibility standards for senior citizens are codified at Ind. Code § 21-14-5-2 (2021); eligibility standards for children and spouses of deceased law enforcement personnel are codified at Ind. Code § 21-14-6-2 (2018); and eligibility standards for children and spouses of National Guard members killed on active duty are codified at Ind. Code § 21-14-7-4 (2021).

# Iowa state financial aid programs for incarcerated students

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Iowa has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. In fact, the Iowa Code explicitly states that one of the duties of the Iowa College Student Aid Commission is to help “[d]evelop and implement, in cooperation with the judicial district departments of correctional services and the department of corrections, a program to assist criminal offenders in applying for federal and state aid available for higher education.”<sup>131</sup> Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

There is one form of aid in Iowa with statutory barriers that may prevent incarcerated students from receiving the applicable aid. The All Iowa Opportunity Scholarship is available to state residents attending community college.<sup>132</sup> The funds are given in order of priority to foster care students and children of peace officers, police officers, or firefighters killed in the line of duty. Although the stipulation does not apply to foster care students, the surviving-child portion of the grant is not available to students with felony convictions.<sup>133</sup>

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131 Iowa Code § 261.2(5) (2021).

132 Iowa Code § 261.87 (2021).

133 Iowa Code § 261.87(1)(d) (2021).

## Financial aid programs without barriers for incarcerated students

Iowa offers a number of grant and scholarship opportunities that do not have explicit barriers for incarcerated students. The following programs are available to otherwise eligible incarcerated students:

- › Iowa Tuition Grant;<sup>134</sup>
- › Iowa Vocational-Technical Tuition Grant;<sup>135</sup>
- › All Iowa Opportunity Scholarship;<sup>136</sup>
- › Minority Academic Grants for Economic Success;<sup>137</sup>
- › Skilled Workforce Shortage Tuition Grant Program (“Kibbie Grant”);<sup>138</sup>
- › Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program;<sup>139</sup>
- › Future Ready Iowa Skilled Workforce Grant Program;<sup>140</sup>
- › Governor Terry E. Branstad Iowa State Fair Scholarship;<sup>141</sup> and
- › Robert D. Blue Scholarship.<sup>142</sup>

For up-to-date information and contacts for Iowa state financial aid, visit Iowa College Aid at

<https://www.iowacollegeaid.gov/ScholarshipsAndGrants>.

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134 Iowa Code § 261.12 (2021). Available to Iowa residents enrolled at a private university or college in Iowa who establish financial need and meet other requirements. Iowa Code § 261.9-.16A (2021).

135 Iowa Code § 261.17 (2021). Available to Iowa residents with financial need attending a vocational-technical or “career option program at a community college in the state” who otherwise meet the grant’s requirements. Iowa Code § 261.17 (2021).

136 Iowa Code § 261.87 (2021). Students with felony convictions are eligible for this scholarship only if they were in the foster care system.

137 Iowa Code § 261.101 et seq. (2021). Available to minority students with financial need who are citizens of Iowa attending a community college, private institution, or university in Iowa or otherwise meet the requirements of the grant.

138 Iowa Code § 261.130 (2021). Available to residents of Iowa admitted as students in a “career-technical or career option program” at a community college in an industry identified by the college as having a shortage of skilled workers.

139 Iowa Code § 261.131 (2021). Available to individuals 20 years of age or older enrolling at an Iowa community college for a state-approved work-based learning program.

140 Iowa Code § 261.132 (2021). Available to Iowa residents who have received at least half of the credits required for a bachelor’s degree, have not been enrolled for at least 24 months, and enroll at an Iowa institution of higher learning.

141 Iowa Code § 261.62 (2021).

142 Students who apply for the Robert D. Blue Scholarship will be evaluated in part on “exhibit[ing] qualities of truth, courage, and fellowship.” Iowa College Aid, “Robert D. Blue Scholarship,” <https://www.iowacollegeaid.gov/RobertDBlueScholarship>.

# Kansas state financial aid programs for incarcerated students

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Kansas’s laws do not explicitly prevent incarcerated students in the state from consideration for state financial aid. In practice, however, the Kansas Board of Regents requires all students to meet Pell Grant eligibility requirements before receiving state aid.<sup>143</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should become eligible to receive aid from the state of Kansas. As of the date of publication, Vera has been unable to obtain a response from the Board of Regents regarding the state of this internal policy.

## Financial aid programs with practice barriers for incarcerated students

Kansas offers a number of merit- and need-based financial aid programs to help students attend undergraduate institutions.<sup>144</sup> Under Kansas’s laws and regulations, students are not required to be Pell-eligible to be considered for state financial aid.<sup>145</sup> A representative from the Kansas Department of Corrections confirmed, however, that the state will award state financial aid only to those students who meet Pell Grant requirements.<sup>146</sup> As long as

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<sup>143</sup> Email exchange between Carla Ruggero, law clerk, Clifford Chance US LLP, and Kelly Potter, Kansas Department of Corrections, October 1, 2018–October 10, 2018. The Kansas Board of Regents did not respond to the question regarding eligibility for incarcerated students for state aid.

<sup>144</sup> Kansas Board of Regents, “Student Financial Aid,” [https://www.kansasregents.org/students/student\\_financial\\_aid](https://www.kansasregents.org/students/student_financial_aid).

<sup>145</sup> The Board of Regents is established by Kan. Stat. Ann. § 74-3202a (2019), and administers state financial aid programs as authorized by Kan. Stat. Ann. §§ 74-3201a, 74-3202c(b), 74-3233, and 74-3234 (2019). The board also has authority over career workforce grants set forth in Kan. Stat. Ann. § 74-32,424 (2018); the work study program established in Kan. Stat. Ann. § 74-3274 (2018); the Kansas Distinguished Scholarship Program in Kan. Stat. Ann. § 74-3278 (2018); and the Kansas Ethnic Minority Scholarship program set forth in Kan. Stat. Ann. § 74-3284 (2018). For a list of financial aid resources managed by the Board of Regents, see Kansas Board of Regents, *2021-22 Scholarships and Grants* (Topeka, KS: Kansas Board of Regents, 2021), [https://www.kansasregents.org/students/student\\_financial\\_aid/scholarships\\_and\\_grants](https://www.kansasregents.org/students/student_financial_aid/scholarships_and_grants).

<sup>146</sup> Email exchange between Carla Ruggero, law clerk, Clifford Chance US LLP, and Kelly Potter of the Kansas Department of Corrections, October 1, 2018–October 10, 2018.

the Board of Regents follows this interpretation and incarcerated students become eligible for Pell Grants, they also should become eligible for state financial aid in Kansas.

The practice barrier applies to the following programs:

- › Kansas Career Technical Workforce Grant;<sup>147</sup>
- › Kansas Comprehensive Grant Program;<sup>148</sup>
- › Kansas Ethnic Minority Scholarship;<sup>149</sup>
- › Kansas Military Service Scholarship;<sup>150</sup> and
- › Kansas Promise Act Scholarship.<sup>151</sup>

Kansas provides a tuition waiver for students under 21 years of age who received their diplomas or GEDs while in the Kansas foster care system or who were adopted out of the system after their 16<sup>th</sup> birthday.<sup>152</sup> It is not clear whether the Board of Regents requires students to be Pell-eligible to qualify for this waiver.

For up-to-date information and contacts for Kansas state financial aid, visit the Kansas Board of Regents at [https://www.kansasregents.org/students/student\\_financial\\_aid](https://www.kansasregents.org/students/student_financial_aid).

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<sup>147</sup> Kan. Stat. Ann. § 74-32,423 (2020). See also Kansas Board of Regents, *Kansas Career Technical Workforce Grant* (Topeka, KS: Kansas Board of Regents, 2021), [https://kansasregents.org/resources/PDF/Students/Student\\_Financial\\_Aid/CT\\_2021-2022.pdf](https://kansasregents.org/resources/PDF/Students/Student_Financial_Aid/CT_2021-2022.pdf).

<sup>148</sup> Kan. Stat. Ann. § 74-32,120 (2020).

<sup>149</sup> Kan. Stat. Ann. § 74-3284 (2020). See also Kansas Board of Regents, *Kansas Ethnic Minority Scholarship* (Topeka, KS: Kansas Board of Regents, 2021), [https://kansasregents.org/resources/PDF/Students/Student\\_Financial\\_Aid/EMS\\_2021-2022.pdf](https://kansasregents.org/resources/PDF/Students/Student_Financial_Aid/EMS_2021-2022.pdf).

<sup>150</sup> Kan. Stat. Ann. § 74-32,227 (2020). See also Kansas Board of Regents, *Kansas Military Service Scholarship* (Topeka, KS: Kansas Board of Regents, 2021), [https://kansasregents.org/resources/PDF/Students/Student\\_Financial\\_Aid/MS\\_2021-2022.pdf](https://kansasregents.org/resources/PDF/Students/Student_Financial_Aid/MS_2021-2022.pdf). Prospective students must have received an honorable (or “under honorable conditions”) discharge or be a current active member of the military.

<sup>151</sup> KS HB 2064 (2021), <https://perma.cc/U84E-JEQ9>. See also Kansas Board of Regents, *2021-22 Scholarships and Grants* (Topeka, KS: Kansas Board of Regents, 2021), [https://www.kansasregents.org/students/student\\_financial\\_aid/scholarships\\_and\\_grants](https://www.kansasregents.org/students/student_financial_aid/scholarships_and_grants).

<sup>152</sup> Kan. Stat. Ann. § 74-32,161 (2020).

# Kentucky state financial aid programs for incarcerated students

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Students who have been convicted of a felony are not eligible for the Kentucky Educational Excellence Scholarship. Other programs are available to otherwise eligible students who are currently incarcerated, although by statute aid will be awarded to incarcerated students only after all funds have been distributed to otherwise eligible nonincarcerated students. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

The Kentucky Educational Excellence Scholarship is a merit-based scholarship that contains a statutory barrier preventing any students with a felony conviction on their record from receiving funding under this program, even after they return to their communities.<sup>153</sup> In addition, otherwise eligible students who have been sentenced under the state's youthful offender statute are barred from receiving tuition waivers for qualifying students who have been in foster care or been adopted.<sup>154</sup>

## Financial aid programs with limited barriers for incarcerated students

Kentucky offers a number of grant and scholarship opportunities that are available to incarcerated students, although incarcerated students are de-prioritized from this funding by statute. All financial aid programs, including state-funded achievement recognition awards, financial aid, and work-study, must fund all other eligible applicants before providing

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<sup>153</sup> Ky. Rev. Stat. Ann. §§ 164.7871 et seq. [2020]; and Ky. Rev. Stat. Ann. § 164.7874(7)(d) [2020].

<sup>154</sup> Ky. Rev. Stat. Ann. § 164.2847(2)(a) [2020].

funding to students who are “inmates” or incarcerated in prisons.<sup>155</sup>

The following programs are available to otherwise incarcerated students if all other eligible students have received aid:

- › College Access Program;<sup>156</sup>
- › Kentucky Tuition Grant;<sup>157</sup> and
- › Kentucky Coal County College Completion Scholarship.<sup>158</sup>

Given current funding levels for state financial aid in Kentucky, it is highly unlikely that otherwise eligible incarcerated students will receive state financial aid.

Incarcerated students are also eligible for tuition waivers designated for persons 65 or older and the survivors of deceased law enforcement personnel, firefighters, and other state-administered retirement system personnel who died as a result of job-related injuries.<sup>159</sup>

For up-to-date information and contacts for Kentucky state financial aid, visit the Kentucky Higher Education Assistance Authority at <https://www.kheaa.com/website/kheaa/paying?main=1>.

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<sup>155</sup> Ky. Rev. Stat. Ann. § 164.767(1) (2020) (applying to Ky. Rev. Stat. Ann. § 164.740-.785 (2020)).

<sup>156</sup> Grants are available based on financial need to Kentucky residents enrolled at least half-time at a college, university, proprietary school, or technical college. Ky. Rev. Stat. Ann. § 164.7535 (2020).

<sup>157</sup> The Kentucky Tuition Grant is administered by the Kentucky Higher Education Assistance Authority (KHEAA) as authorized by Ky. Rev. Stat. Ann. § 164.172 [\*742\*] (2020). The grant is available to Kentucky residents with financial needs who are enrolled in a full-time associate’s or bachelor’s degree program at participating Kentucky universities and colleges. See also KHEAA, “KHEAA-Administered Programs: Kentucky Tuition Grant,” <https://www.kheaa.com/website/kheaa/ktg?main=2>.

<sup>158</sup> Ky. Rev. Stat. Ann. § 164.7894 (2020). The program provides scholarships to residents of coal-producing counties attending postsecondary education institutions located in coal-producing counties, or institutions otherwise located in Kentucky offering a bachelor’s degree program not offered at an institution in a coal-producing county.

<sup>159</sup> Ky. Rev. Stat. Ann. § 164.284 (2020); and Ky. Rev. Stat. Ann. § 164.2842 (2020).

# Louisiana state financial aid programs for incarcerated students

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Students with criminal convictions, excluding misdemeanor traffic violations, are not eligible for the Taylor Opportunity Program for Students (TOPS), Louisiana's largest state financial aid program. Louisiana generally requires students to be Pell Grant recipients in order to qualify for state need-based grants. Therefore, students who were previously prevented from receiving Pell Grants should become eligible to receive need-based grants from the state of Louisiana following Pell reinstatement. Incarcerated students are currently eligible for tuition and fee waivers provided by the state.

## Financial aid programs with statutory barriers for incarcerated students

Louisiana's largest financial aid program, TOPS, includes a statutory barrier for students who have criminal convictions other than misdemeanor traffic violations.<sup>160</sup> This program includes four awards: the TOPS Honor Award, TOPS Performance, TOPS Opportunity, and TOPS Tech.<sup>161</sup> Eligibility for each award depends on the student's GPA and American College Test (ACT) score.<sup>162</sup>

In addition to the TOPS programs, need-based aid in Louisiana is distributed through the GO Grant.<sup>163</sup> This grant is structured as a "last dollar award" program, intended to cover the gap between existing resources and tuition. By statute, eligible students must first receive funding via Pell Grants or other institutional aid before a GO Grant will be awarded.<sup>164</sup> The Louisiana Office of Student Financial Assistance (OSFA) has released

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160 La. Rev. Stat. Ann. § 17:5028 (2019).

161 La. Rev. Stat. Ann. § 17:5002 (2019).

162 La. Rev. Stat. Ann. § 17:5024 (2019).

163 La. Rev. Stat. Ann. § 17:3046 (2019).

164 La. Rev. Stat. Ann. § 17:3046.1(2019).

a policy statement specifically limiting the award of GO Grants to those students also receiving Pell funding.<sup>165</sup> Therefore, incarcerated students who become eligible for Pell funding by statute should also become eligible for this program, although Vera has, as of the date of publication, been unable to confirm the state of this internal policy with OSFA.

## Financial aid programs without barriers for incarcerated students

Incarcerated students are eligible for any applicable tuition waivers, including waivers for children and spouses of certain state employees or military personnel who have been killed or disabled in the performance of their duties.<sup>166</sup> Students under 25 years old who were in foster care for at least nine of the 24 months before their 18<sup>th</sup> birthday are also eligible for tuition waivers.<sup>167</sup> The Chafee Education and Training Voucher Program offers aid to students aged 14 to 27 who are or were in foster care, aged out of foster care, or exited foster care through guardianship or adoption after the age of 16.<sup>168</sup>

For up-to-date information and contacts for Louisiana state financial aid, visit the Louisiana Office of Student Financial Assistance at <https://mylosfa.la.gov/students-parents/financial-aid-101/>.

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165 Louisiana Student Financial Assistance Commission: Office of Student Financial Aid (LSFAC), *Student Financial Aid Bulletin S2013-01* (Baton Rouge, LA: LSFAC, January 29, 2013), <https://www.osfa.la.gov/MainSitePDFs/S2013-01.pdf>.

166 La. Stat. Ann. § 17:1681-1686 (2021).

167 La. Stat. Ann. § 17:1687 (2021).

168 Students may also exit foster care for other reasons as long as they were in the foster care system after age 14. See Louisiana Office of Student Financial Assistance, “Chafee Educational and Training Voucher (ETV) Program,” <https://mylosfa.la.gov/students-parents/scholarships-grants/chafee/>.

# Maine state financial aid programs for incarcerated students

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Maine has no statute, regulation, or policy that explicitly prevents incarcerated students from being eligible to receive state government aid. However, spouses and dependents of veterans must apply for a Pell Grant as a pre-requisite for their tuition waiver.<sup>169</sup> Therefore, Pell reinstatement will likely affect the ability of these students to access tuition waivers.

## Financial aid programs without barriers for incarcerated students

Incarcerated students are eligible for consideration for the following state financial aid programs in Maine:

- › Maine State Grant Program;<sup>170</sup>
- › Adult Degree Completion Scholarship;<sup>171</sup>
- › Tuition Waiver at State Post-secondary Educational Institutions for children of firefighters, law enforcement officers, or emergency medical personnel;<sup>172</sup> and
- › foster care tuition waivers.<sup>173</sup>

For up-to-date information and contacts for Maine state financial aid, visit the Finance Authority of Maine at <https://www.famemaine.com/education/topics/paying-for-college/>.

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169 Me. Rev. Stat. Ann. tit. 37-B § 505(2)(G) (2020).

170 Me. Rev. Stat. Ann. tit. 20-A, § 11612 (2020). The Maine State Grant is a needs-based grant providing up to \$1,500 per academic year to eligible Maine residents attending a college or university in Maine.

171 The Scholarship is for adults returning to a college or university in Maine after at least a three-year absence who have already earned at least 30 credits. Students who qualify may receive up to \$4,000 per academic year. "Adult Degree Completion Scholarship," University of Maine, <https://www.maine.edu/students/scholarships-and-tuition-waivers/adult-degree-completion-scholarship/>. For funding see Me. Rev. Stat. Ann. tit. 8, § 1036 (2020) and Me. Rev. Stat. Ann. tit. 20-A, § 10909 (2020).

172 Me. Rev. Stat. Ann. tit. 20-A § 12553 (2020). These waivers are for children or spouses of firefighters, law enforcement officers, or emergency medical services personnel who are killed in the line of duty, or who are injured in the line of duty and later die as a result of that injury.

173 Me. Rev. Stat. Ann. tit. 20-A, § 12572 (2020). Students applying for these tuition waivers must have been in foster care or the care of an appointed guardian at the time they completed their high school diplomas or equivalency certificates.

# Maryland state financial aid programs for incarcerated students

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Maryland has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following Maryland financial aid programs are available to otherwise eligible incarcerated students:

- › Howard P. Rawlings Educational Excellence Awards;<sup>174</sup>
- › Senatorial Scholarships;<sup>175</sup>
- › Delegate Scholarships;<sup>176</sup>
- › 2+2 Transfer Scholarship;<sup>177</sup>
- › Part-Time Grant;<sup>178</sup>
- › graduate and professional scholarship programs;<sup>179</sup>
- › Maryland Community College Promise Scholarship;<sup>180</sup>
- › Near Completer Grant;<sup>181</sup>
- › Edward T. and Mary A. Conroy Memorial Scholarship Program & Jean B. Cryor Memorial Scholarship Program;<sup>182</sup>

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174 Md. Code Ann. Educ. § 18-303(a) [2019].

175 Md. Code Ann. Educ. § 18-402 [2019]; and Md. Code Regs. 13B.08.04.02 [2019].

176 Md. Code Ann. Educ. § 18-502 [2019]; Md. Code Regs. 13B.08.05.02 [2019].

177 Md. Code Ann. Educ. § 18-2503 [2019].

178 Md. Code Ann. Educ. § 18-1401 [2019].

179 Md. Code Ann. Educ. § 18-2601 [2019].

180 Md. Code Ann. Educ. § 18-3603 [2019]; and Md. Code Regs. 13B.08.21.03 [2019].

181 Md. Code Regs. 13B.08.07.03 [2019]. Student applicants must have earned at least 45 credit hours with a minimum cumulative grade point average of 2.0 on a scale of 4.0 while previously in college. It is unclear if college-in-prison education programs count toward this requirement.

182 Md. Code Ann. Educ. § 18-601 [2019]; Md. Regs Code tit. 13B § 08.13 [2019]. This award is not based on need, but is only available to students who meet specific qualifications, such as being a disabled veteran or the child of a member of the armed forces who died in military service. See Maryland Higher Education

- › Veterans of Afghanistan and Iraq Conflicts (VAIC) Scholarship Program;<sup>183</sup>
- › Scholarship for children and spouses of certain veterans, law enforcement personnel, corrections officers, members of the National Guard, firefighters, or rescue workers;<sup>184</sup>
- › Tuition Waiver for Foster Care Recipients;<sup>185</sup>
- › Tuition Waiver for Unaccompanied Homeless Youth;<sup>186</sup> and
- › Tuition Waiver for Students with Disabilities Receiving SSI or SSDI.<sup>187</sup>

In addition, Maryland offers a number of career- and occupation-based grant programs.<sup>188</sup> Unless students are able to begin working in the state within 12 months after completing their program, however, these grants may be subject to repayment.<sup>189</sup>

For up-to-date information and contacts for Maryland state financial aid, visit the Maryland Higher Education Commission at <https://mhec.state.md.us/preparing/Pages/FinancialAid/descriptions.aspx>.

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Commission, “Edward T. and Mary A. Conroy Memorial Scholarship Program & Jean B. Cryor Memorial Scholarship Program,” [https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog\\_conroy.aspx](https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog_conroy.aspx).

183 Md. Code Ann. Educ. § 18-604 (2019).

184 Md. Code Ann. Educ. § 18-602 (2019); and Md. Code Regs. 13B.08.13.03 (2019). This scholarship is for children of volunteer firefighters or volunteer ambulance or rescue squad workers killed in the line of duty.

185 Md. Code Ann. Educ. § 15-106.1 (2019).

186 Md. Code Ann. Educ. § 15-106.1 (2019).

187 Md. Code Ann. Educ. § 16-319 (2019). For more information on disability waivers, see “Community College Tuition Waiver for Students with Disabilities Receiving SSI or SSDI,” Maryland Higher Education Commission, [https://mhec.state.md.us/preparing/Pages/FinancialAid/ProgramDescriptions/prog\\_disabilities.aspx](https://mhec.state.md.us/preparing/Pages/FinancialAid/ProgramDescriptions/prog_disabilities.aspx).

188 “State Financial Assistance Programs & Applications: Career/Occupation-Based Grants & Scholarships,” Maryland Higher Education Commission, <https://mhec.maryland.gov/preparing/Pages/FinancialAid/descriptions.aspx>.

189 “Annual Service Obligations,” Maryland Higher Education Commission, [https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog\\_service.aspx](https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog_service.aspx).

# Massachusetts state financial aid programs for incarcerated students

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Massachusetts's statutes do not prevent incarcerated students in the state from consideration for state financial aid; nevertheless, these students generally do not have access to the state's financial aid programs. In practice, the standards set by the Massachusetts Board of Higher Education Attestation Guide create a de facto bar for students during and beyond their periods of incarceration.<sup>190</sup>

## Financial aid programs with practice barriers for incarcerated and formerly incarcerated students

Under the guidelines set by the Massachusetts Board of Higher Education, incarcerated students are not eligible for any of the state's financial aid programs.<sup>191</sup> The fifth edition of the Student Financial Assistance Attestation Guide provides that to receive aid a student must (among other requirements): 1) be "eligible to receive a Pell Grant and/or other Federal Title IV student financial assistance"; and 2) not have been "convicted of an offense involving the possession or sale of illegal drugs and/or . . . incarcerated in a federal or state penal institution."<sup>192</sup> Under these guidelines, not only are currently incarcerated students ineligible for state financial aid, but the barrier extends beyond their return to the community.

Pell reinstatement will likely resolve some ambiguity in state financial aid program requirements, as the Attestation Guide has historically

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190 Massachusetts Department of Higher Education, Office of Student Financial Assistance (MassOSFA), *Student Financial Assistance Attestation Guide* (Revere, MA: MassOSFA, 2015), 19, <https://www.mass.edu/osfa/documents/publications/2015/2015-2016%20Audit%20Guide%205th%20Edition-rev%20063015.pdf>.

191 The Board of Higher Education and Massachusetts Office of Student Financial Assistance administer the state's needs-based financial assistance programs and establish guidelines for these programs as authorized by Mass. Gen. Laws ch. 15A § 9B (2018).

192 MassOSFA, *Attestation Guide*, 2015, 19.

required students to be “eligible to receive a Pell Grant and/or other Federal Title IV student financial assistance.”<sup>193</sup> In contrast, the 2017–2018 guidance for the MASSGrant, the state’s main financial aid program, requires only that students be eligible for Title IV federal aid in order to receive Massachusetts state aid.<sup>194</sup> Because incarcerated students are eligible for some types of Title IV financial aid, and because there is no specific ban on disbursement to incarcerated students in the MASSGrant guidelines, MASSGrants could be available for incarcerated students if the separate attestation guidance were repealed.

The legal force of the attestation guide and the 2017–2018 guidance is not clear, and the individual regulations for the state’s financial aid programs do not include the barriers discussed above.<sup>195</sup> At the time of this update, the Office of Student Financial Assistance declined to state definitively whether it serves incarcerated students or to comment on the conflict between official financial aid program guidelines and the Attestation Guide.<sup>196</sup>

Most of Massachusetts’s need-based financial aid is administered by the Board of Higher Education.<sup>197</sup> Massachusetts operates the following financial aid programs:

- › MASSGrant and MASSGrant Plus;<sup>198</sup>
- › Massachusetts Gilbert Matching Student Grant Program;<sup>199</sup>
- › Massachusetts Cash Grant;<sup>200</sup>

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193 Ibid.

194 MassOSFA, *Massachusetts Assistance for Student Success Program Guidelines* (Revere, MA: MassOSFA, 2017), 2, <http://www.mass.edu/osfa/documents/publications/2017/2017-2018%20MASSGrant%20Guidelines.pdf>.

195 For a list of programs administered by the MassOSFA with links to their individual regulations, see MassOSFA, “Quick Guide for Students,” <http://www.mass.edu/osfa/programs/quickguide.asp>.

196 Vera attempted to confirm with the Office of Student Financial Assistance whether the Attestation Guide from 2015 was still applicable and whether it was still the agency’s view that incarcerated students were not eligible for state aid. However, the Office of Student Financial Assistance declined to comment. Email correspondence between Abigail Cessna, associate, Clifford Chance US LLP, and MassOSFA, May 25, 2021.

197 The Board of Higher Education distributes and administers funding as authorized by Mass. Gen. Laws ch. 15A § 9B (2018). Because not all of the programs administered are specifically described in a statute or regulation, the board’s documentation is the best available descriptor of the eligibility guidelines for each.

198 Mass. Gen. Laws ch. 15A § 16 (2020); and MassOSFA, “MASSGrant & MASSGrant Plus,” <https://www.mass.edu/osfa/programs/massgrant.asp>.

199 MassOSFA, “Gilbert Matching Student Grant Program,” <https://www.mass.edu/osfa/programs/gilbert.asp>.

200 MassOSFA, “Cash Grant Program,” <https://www.mass.edu/osfa/programs/cashgrant.asp>.

- > Massachusetts Part-Time Grant Program;<sup>201</sup>
- > Career Advancement Program Tuition Waiver;<sup>202</sup>
- > Department of Children and Families (DCF) Foster Care Tuition Waiver & Adopted Children Tuition Waiver;<sup>203</sup>
- > MASSTransfer Tuition Credit Program;<sup>204</sup>
- > Categorical Tuition Waiver for veterans, Native Americans, armed forces, and the blind;<sup>205</sup>
- > tuition waiver for surviving children of active military personnel (including National Guard) killed in the line of duty;<sup>206</sup>
- > Need-Based Tuition Waiver;<sup>207</sup> and
- > September 11, 2001, Tragedy Tuition Waiver.<sup>208</sup>

For up-to-date information and contacts for Massachusetts state financial aid, visit the Office of Student Financial Assistance at <https://www.mass.edu/osfa/programs/programs.asp>.

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201 MassOSFA, “Part-Time Grant Program,” <https://www.mass.edu/osfa/programs/parttime.asp>.

202 MassOSFA, “Career Advancement Program Tuition Waiver,” <https://www.mass.edu/osfa/programs/careeradvance.asp>.

203 MassOSFA, “Department of Children and Families (DCF) Foster Child Tuition Waiver and Fee Assistance Program,” <https://www.mass.edu/osfa/programs/dcffoster.asp>; and MassOSFA, “Department of Children and Families (DCF) Adopted Child Tuition Waiver and Fee Assistance Program,” <https://www.mass.edu/osfa/programs/dcfadopted.asp>.

204 MassOSFA, “MassTransfer Tuition Credit Program,” <https://www.mass.edu/osfa/programs/masstransfer.asp>.

205 Mass. Gen. Laws ch. 15A § 19 (2020); MassOSFA, “Categorical Tuition Waiver,” <https://www.mass.edu/osfa/programs/categorical.asp>.

206 Mass. Gen. Laws ch. 15A § 19½ (2020).

207 MassOSFA, “Need-Based Tuition Waiver Program,” <https://www.mass.edu/osfa/programs/needbased.asp>.

208 MassOSFA, “Commonwealth September 11, 2001, Tragedy Tuition Waiver,” <https://www.mass.edu/osfa/programs/sept11.asp>.

# Michigan state financial aid programs for incarcerated students

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Two of the largest financial aid programs in Michigan are not available to students who are currently incarcerated in a corrections institution: the Michigan Tuition Grant and the Michigan Competitive Scholarship.<sup>209</sup> However, as of October 1, 2020, incarcerated students became eligible for the Michigan Tuition Incentive Program.<sup>210</sup> The Michigan Talent for Tomorrow Scholarship, which funds certificates and degrees in high-demand industries, as well as some of the state's tuition waiver and merit programs, may be available to otherwise eligible students who are incarcerated. Because the bar on access to financial aid for incarcerated students is not linked to the Pell Grant, Pell reinstatement will not impact access to state financial aid in Michigan.

## Financial aid programs with statutory barriers for incarcerated students

The following state financial aid programs on the books in Michigan include explicit bans on incarcerated student eligibility:

- › Michigan Tuition Grant; and
- › Michigan Competitive Scholarship.<sup>211</sup>

In addition, the Children of Veterans Tuition Grant requires that students have not been convicted of a felony involving assault, physical injury, or death.<sup>212</sup> Therefore, some incarcerated students with violent felony convictions will be ineligible for this grant.

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209 Mich. Comp. Laws § 390.993 [2020] [Tuition Grants]; see also Office of Postsecondary Financial Planning, “MI Student Aid,” <https://www.michigan.gov/mistudentaid/0,4636,7-372--481216--,00.html>. Mich. Comp. Laws § 390.974 [2020] [State Competitive Scholarships; eligibility of applicant].

210 Mich. Comp. Laws § 388.1856 [2020].

211 Mich. Comp. Laws §§ 390.993 [Tuition Grants] and 390.974 [State Competitive Scholarships; eligibility of applicant] [2020].

212 Mich. Comp. Laws § 390.1344(h) [2020].

## Financial aid programs without barriers for incarcerated students

Students who are incarcerated are not explicitly barred from a handful of other state financial aid programs in Michigan. Eligible incarcerated students may apply for the Michigan Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) and the Michigan Tuition Incentive Program.<sup>213</sup> Eligible incarcerated students may also apply for grants dedicated to children of qualifying disabled or deceased veterans, firefighters, and police officers.<sup>214</sup> The state also offers a scholarship for students who were in Michigan's foster care system after their 13<sup>th</sup> birthday and a waiver for American Indians.<sup>215</sup> Incarcerated students also can apply for the Talent for Tomorrow Scholarship, which provides need-based grants for students to earn certificates in high-need industries.<sup>216</sup>

For up-to-date information and contacts for Michigan state financial aid, visit Michigan Student Aid at <https://www.michigan.gov/mistudentaid/0,4636,7-372-86868---,00.html>.

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213 GEAR UP is not statutorily enacted in Michigan but is instead a part of a federal-state partnership with the U.S. Department of Education. U.S. Department of Education, "Programs: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)," <https://www2.ed.gov/programs/gearup/index.html>. Michigan previously determined that incarcerated students are not eligible for this program. MI Student Aid, *Michigan GEAR UP Scholarship: Fact Sheet for Academic Year 2018-19* (Lansing, MI: Michigan Dept. of Treasury, 2018), 1, [http://www.michigan.gov/documents/mistudentaid/MI\\_GU\\_FactSheet\\_2017-18\\_532784\\_7.pdf](http://www.michigan.gov/documents/mistudentaid/MI_GU_FactSheet_2017-18_532784_7.pdf). However, the most recent version of the *Michigan GEAR UP Scholarship: Fact Sheet for Academic Year 2020-21* no longer lists incarceration as a barrier to eligibility. MI Student Aid, *Michigan GEAR UP Scholarship: Fact Sheet for Academic Year 2020-21* (Lansing, MI: Michigan Dept. of Treasury, 2021), 1, [https://www.michigan.gov/documents/mistudentaid/MIGEARUPFactSheet\\_636647\\_7.pdf](https://www.michigan.gov/documents/mistudentaid/MIGEARUPFactSheet_636647_7.pdf). See also Mich. Comp. Laws § 388.1856 (2021) (Tuition Incentive Program).

214 Children of dead or disabled veterans are eligible for tuition grants of up to \$2,800 per academic year under Mich. Comp. Laws § 390.1344 (2018). Children and spouses of corrections officers who are killed in the line of duty are eligible for tuition waivers under Mich. Comp. Laws § 390.1263 (2018). Children of police officers and firefighters killed in the line of duty are eligible for tuition grants to cover any tuition remaining after all other scholarships and funding sources have been applied under Mich. Comp. Laws § 390.1243 (2018).

215 Tuition is waived for "North American Indians" under Mich. Comp. Laws § 390.1251 (2020). Scholarship eligibility for students who have been in foster care is established under Mich. Comp. Laws § 722.1027b (2020).

216 2018 Mich. Pub. Acts 227 and 297a (Michigan SB 941).

# Minnesota state financial aid programs for incarcerated students

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Minnesota has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. In fact, the state of Minnesota explicitly contemplates how the costs of attendance should be calculated and adjusted for incarcerated students who receive funding under the Minnesota State Grant.<sup>217</sup> Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following Minnesota financial aid programs are available to otherwise eligible incarcerated students:

- › Minnesota State Grant;<sup>218</sup>
- › Minnesota Indian Scholarship;<sup>219</sup>
- › Public Safety Officer Survivor Grant;<sup>220</sup> and
- › Grants for Students with Intellectual and Developmental Disabilities.<sup>221</sup>

The Minnesota State System also offers tuition waivers at the discretion of the president of each institution for a number of student circumstances, including foster care history.<sup>222</sup>

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217 Minn. Stat. § 136A.121(6)(c) (2020).

218 Minn. Stat. § 136A.121 (2020).

219 Minn. Stat. § 136A.126 (2020).

220 Minn. Stat. § 299A.45 (2021); Minn. R. 4830.8020 (2020).

221 Minn. Stat. § 136A.1215 (2020).

222 Minnesota State Colleges and Universities Board of Trustees, *System Procedures Ch. 5: Administration Procedures Associated With Board Policy 5.12* (St. Paul, MN: Minnesota State Colleges and Universities Board of Trustees, 2016), <https://www.minnstate.edu/board/procedure/5-12p2.pdf>.

For up-to-date information and contacts for Minnesota state financial aid, visit the Minnesota Office of Higher Education at <http://www.ohe.state.mn.us/mPg.cfm?pageID=888>.

# Mississippi state financial aid programs for incarcerated students

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Mississippi’s main financial aid program, the Mississippi Higher Education Legislative Plan (HELP) bans students who have a criminal record (except misdemeanor traffic violations) from consideration for funding.<sup>223</sup> Because this ban is based on conviction rather than incarceration, incarcerated students are not eligible for HELP grants post-release.<sup>224</sup> The two financial aid programs administered by the Mississippi Post-secondary Education Assistance Board do not have explicit barriers for incarcerated students.

## Financial aid programs with statutory barriers for incarcerated students

The HELP Grant Program provides full scholarships to public Mississippi colleges and universities for students who meet the eligibility criteria.<sup>225</sup> Students with criminal records are not eligible for these scholarships.<sup>226</sup> Therefore, incarcerated students who have been convicted of a crime will not be eligible to receive grants under HELP, even once they return to their communities after finishing their sentences.

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223 Miss. Code Ann. § 37-106-75(3)(e) (2019); 10 Miss. Code R. § 615 (2021).

224 20 U.S.C. § 1070a(b)(6) (2012).

225 Miss. Code Ann. §§ 37-106-75(3) and (4) (2019).

226 Miss. Code Ann. § 37-106-75(3)(e) (2019).

## Financial aid programs without barriers for incarcerated students

The Mississippi Resident Tuition Assistance Grant Program, the Mississippi Eminent Scholars Grant, and the Mississippi Law Enforcement Officers and Firefighters Scholarship do not explicitly exclude incarcerated students from eligibility.<sup>227</sup> Mississippi Institutions of Higher Learning, which administers both programs, clarified that although there is no specific law preventing the receipt of aid by incarcerated students, the eligibility requirements may make it difficult for incarcerated students to qualify.<sup>228</sup>

For up-to-date information and contacts for Mississippi state financial aid, visit the Mississippi Office of Student Financial Aid at <https://www.msfinancialaid.org/>.

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<sup>227</sup> The Eminent Scholars Grant Program is established in Miss Code Ann. § 37-106-31 (2019) and regulated under Miss. Admin. Code § 10.613 (2019). The Mississippi Resident Tuition Assistance Grant Program is established in Miss. Code Ann. § 37-106-29 (2019) and regulated under Miss. Admin. Code § 10.611 (2021). The Mississippi Law Enforcement Officers and Firefighters Scholarship is established in Miss. Code Ann. § 37-106-39 (2019) and regulated under Miss. Admin. Code § 10.617 (2019).

<sup>228</sup> Telephone interview by Olya Kurliovich, senior associate, Clifford Chance US LLP, with a representative at Mississippi Institutions of Higher Learning, September 2018.

# Missouri state financial aid programs for incarcerated students

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There are a number of potential barriers for incarcerated students attempting to access Missouri's financial aid programs, including the A+ Scholarship and Advanced Placement Incentive Grant. Students convicted of certain crimes may not be eligible for other state financial aid programs. The Missouri Department of Higher Education has also stated that students who are barred from receiving Pell Grants are ineligible for at least four of the state's financial aid programs, although there is no explicit statute or regulation prohibiting eligibility.<sup>229</sup> Therefore, while students who were previously prevented from receiving Pell Grants because of the incarceration ban should become eligible for some of these state financial aid programs following Pell reinstatement, there may still be practical barriers to eligibility.

The Coordinating Board of the Missouri Department of Higher Education approved a three-phase plan in 2018 aimed at improving the state financial aid system.<sup>230</sup> The plan includes convening a state student financial aid task force to make recommendations for creating a more balanced, responsive, and efficient state student financial aid system. Phase 1 of the project has been completed, and Phase 2, which involves making recommendations for changes and/or additions to the existing projects, was scheduled for completion in 2018.<sup>231</sup> The implementation phase (Phase 3) was scheduled to begin in early 2019.<sup>232</sup> This program could result in changes to eligibility criteria and the scope of the currently existing financial aid programs.

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229 Email exchange between Carla Ruggero, law clerk, Clifford Chance US LLP, Amy Haller, financial aid specialist, and Leroy Wade, assistant commissioner, Missouri Department of Higher Education, October 12, 2018–October 23, 2018.

230 Missouri Department of Higher Education, "State Financial Aid Review," <https://dhe.mo.gov/ppc/grants/stateaidreview.php>.

231 Ibid.

232 Ibid. The Missouri Department of Higher Education website does not indicate any updates to this plan since October 26, 2018.

## Financial aid programs with potential barriers for incarcerated students

Missouri's A+ Scholarship awards financial aid to eligible students who graduate from A+ designated high schools.<sup>233</sup> The agency regulations require that students be eligible for federal Title IV financial aid to be considered for the state scholarship.<sup>234</sup> Incarcerated students are eligible for some Title IV programs, but not others, and so their eligibility for A+ Scholarships is unclear.<sup>235</sup>

In addition to the A+ Scholarship, three of Missouri's state financial aid programs include statutory provisions banning students convicted of a crime while receiving state financial aid from renewing their state assistance, provided that such a crime would preclude the student from receiving federal financial aid under Title IV.<sup>236</sup> The Missouri Department of Higher Education interprets this statutory ban to also extend the ban to Missouri's financial aid programs, making students who are incarcerated in federal and state prisons ineligible for state and federal aid.<sup>237</sup> However, since the FAFSA Simplification Act amends § 484 of the Higher Education Act to remove the Title IV eligibility bar for specific convictions, incarcerated students who regain access to Title IV aid should also become eligible for these state financial aid programs. The affected programs are

- › Access Missouri Financial Assistance Program;<sup>238</sup> and
- › Bright Flight Scholarship/Higher Education Academic Scholarship Program.<sup>239</sup>

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233 Missouri Department of Education, "A+ Scholarship," <https://dhe.mo.gov/ppc/grants/aplusscholarship.php>.

234 Mo. Code Regs. Ann. tit. 6 § 10-2.190(3)(A)(12) [2021].

235 Incarcerated students are eligible to receive Title IV Federal Supplemental Educational Opportunity Grants and Work Study programs, and will be eligible to receive Pell Grants by no later than July 1, 2023. See 20 U.S.C. §§ 1070b-2 and 1091(a) [2012] (containing no exclusion for incarcerated students). See also U.S. Department of Education, *Federal Student Aid Eligibility for Students Confined in Adult Correctional or Juvenile Justice Facilities* (Washington, DC: U.S. Department of Education, 2014), <https://studentaid.ed.gov/sa/sites/default/files/aid-info-for-incarcerated-individuals.pdf> (confirming that incarcerated students are eligible for Title IV Federal Supplemental Educational Opportunity Grants).

236 Mo. Rev. Stat. § 173.1104.2 [2016] [2020 supp.]. Section 173.205 of the Missouri Revised Statutes was repealed in 2007 and, per an email exchange between Carla Ruggero, law clerk, Clifford Chance US LLP, and Leroy Wade, assistant commissioner, Missouri Department of Higher Education, as of October 23, 2018, § 173.1104 serves as its replacement.

237 Email exchange between Carla Ruggero, law clerk, Clifford Chance US LLP, Amy Haller, financial aid specialist, and Leroy Wade, assistant commissioner, Missouri Department of Higher Education, October 12, 2018–October 23, 2018.

238 Access Missouri provides need-based financial aid to students enrolled in full-time undergraduate programs. Mo. Code Regs. Ann. tit. 6 § 10-2.150 [2021]. Eligibility is governed by Mo. Rev. Stat. § 173.1104 [2016] [2020 supp.]. See also Missouri Department of Higher Education, "Access Missouri Financial Assistance Program," <https://dhe.mo.gov/ppc/grants/accessmo.php>

239 The Bright Flight Program is a merit-based scholarship for students who perform exceptionally well on the

Missouri's National Guard Member Educational Assistance Program also contains a regulatory bar for students who have been "convicted . . . of an offense which involved the use of force, disruption or seizure of any property under the control of an institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies."<sup>240</sup>

Missouri's Advanced Placement Incentive Grant is a one-time supplemental grant to students who score well on Advanced Placement STEM exams and are receiving the A+ Scholarship or the Access Missouri Grant.<sup>241</sup> Therefore, students who are disqualified for these grants also are ineligible for the incentive grant.

## Financial aid programs without barriers for incarcerated students

Students who are currently incarcerated are eligible for tuition waivers available to dependents of public safety officers killed or disabled in the line of duty and young adults who were previously in foster care.<sup>242</sup> Missouri also has other financial aid programs, such as the Fast Track Workforce Incentive Grant, that have no ban on awards to incarcerated students, although other eligibility requirements may be difficult for them to meet.<sup>243</sup>

For up-to-date information and contacts for Missouri state financial aid, visit the Missouri Department of Higher Education at <https://dhe.mo.gov/ppc/>.

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ACT. Mo. Rev. Stat. § 173.1104 (2016) (2020 supp.). Eligibility is governed by Mo. Code Regs. Ann. tit. 6 § 10-2.080(2)(a)(3). See also Missouri Department of Higher Education, "Bright Flight Program," <https://dhe.mo.gov/ppc/grants/brightflight.php>.

<sup>240</sup> Mo. Code Regs. Ann. tit. 11 § 10-3.015(2)(B)(6) (2021).

<sup>241</sup> Mo. Rev. Stat. § 173.1350 (2016) (2020 supp.).

<sup>242</sup> Public safety officer means "any firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof." Mo. Rev. Stat. § 173.260.1(7) (2016) (2020 supp.). The waiver for former foster care students requires students to enroll in postsecondary education within three years of graduating high school (and be under 21 years of age at the time) and that students complete a certain number of community service hours. Students must apply for, but are not required to be awarded, a Pell Grant. Mo. Rev. Stat. § 173.270 (2016) (2020 supp.).

<sup>243</sup> Mo. Rev. Stat. § 173.2553 (2016) (2020 supp.).

# Montana state financial aid programs for incarcerated students

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Incarcerated students in Montana are not eligible for one of the state's financial aid programs. There are several other state scholarships for which otherwise eligible incarcerated students may apply.

## Financial aid programs with statutory barriers for incarcerated students

The Montana STEM Scholarship program includes an explicit statutory ban on awarding aid to students currently incarcerated in jails or prisons.<sup>244</sup>

## Financial aid programs without barriers for incarcerated students

The following Montana state financial aid programs do not have explicit statutory or regulatory barriers for incarcerated students. However, there are several eligibility requirements for these grants that may make it difficult for incarcerated students to take advantage of them:

- › Montana Promise Grant Program;
- › Montana University System Honor Scholarship; and
- › 2 Plus 2 Honor Scholarship.<sup>245</sup>

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<sup>244</sup> The Montana STEM Scholarship Program is meant to incentivize entry into postsecondary fields related to science, technology, engineering, and mathematics. Mont. Code Ann. § 20-26-614 (2019). Eligibility is governed by Mont. Code Ann. § 20-26-615 and § 20-26-623 (2019). Students must complete and submit a FAFSA to be eligible.

<sup>245</sup> The Montana Promise Grant is a two-year grant established in Mont. Code Ann. § 20-26-623 for students who will complete an associate's degree or transfer from a community college to a larger university after two years. The 2 Plus 2 Honor Scholarship is awarded to students who have associate's degrees and intend to continue their postsecondary education. Montana University System, "2 Plus 2 Honor Scholarship," [https://mus.edu/Prepare/Pay/Scholarships/2\\_Plus\\_2\\_Honor\\_Scholarship.html](https://mus.edu/Prepare/Pay/Scholarships/2_Plus_2_Honor_Scholarship.html). The Montana University System Honor Scholarship is offered to students based on their GPAs and ACT/SAT scores. Montana Board of Regents of Higher Education, Policy 940.8 (2019), <https://mus.edu/borpol/bor900/940-13.pdf>.

Montana offers a tuition waiver for “American Indians”, seniors, surviving dependents of members of the armed forces who were killed in action (including members of the National Guard), and surviving dependents of firefighters or peace officers killed in the course and scope of duty.<sup>246</sup>

Finally, Montana offers two state aid programs through the Department of Corrections. The first program awards up to \$800 per year toward postsecondary school expenses for residents in state youth facilities.<sup>247</sup> The second program provides educational aid for those who were wrongfully convicted of a felony offense and who served any amount of time in prison before their conviction was overturned.<sup>248</sup>

For up-to-date information and contacts for Montana state financial aid, visit the Montana University System, Office of the Commissioner of Higher Education at [https://mus.edu/Prepare/Pay/Types\\_Of\\_Aid.asp](https://mus.edu/Prepare/Pay/Types_Of_Aid.asp).

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<sup>246</sup> Mont. Code Ann. § 20-25-421(2) (2019); and Montana Board of Regents of Higher Education, Policy 940.13—Tuition Waivers and Discounts (November 22, 2019), <https://mus.edu/borpol/bor900/940-13.pdf>.

<sup>247</sup> Mont. Code Ann. § 52-5-112 (2019). Only eight youth per facility may receive this aid.

<sup>248</sup> Mont. Code Ann. § 53-1-214 (2019).

# Nebraska state financial aid programs for incarcerated students

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Incarcerated students who are enrolled in postsecondary education programs in Nebraska do not face statutory or regulatory barriers to eligibility for state financial aid programs. A representative from Nebraska's Coordinating Commission on Postsecondary Education (CCPE) indicated, however, that the commission's interpretation is that a student must be eligible to receive Pell Grants in order to receive a Nebraska Opportunity Grant (the state's main financial aid grant).<sup>249</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should be eligible to receive aid from the state of Nebraska following Pell reinstatement.

## Financial aid programs without barriers for incarcerated students

A representative from CCPE indicated that the agency's interpretation requires it to follow federal eligibility guidelines—rather than using only the federal need calculation—in determining state financial aid, and that a student would need to be eligible for a Pell Grant to receive the Nebraska Opportunity Grant (the state's main financial aid grant).<sup>250</sup> This same representative subsequently confirmed that once access to Pell Grants is reinstated for incarcerated students, these students will be able to receive Nebraska financial aid, such as the Nebraska Opportunity Grant, provided they meet the other eligibility requirements.<sup>251</sup>

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249 Neb. Rev. Stat. § 85-1907 [2020]; 281 Neb. Admin. Code § 5-006 [2020]; and email correspondence between Abigail Cessna, associate, Clifford Chance US LLP, and Ritchie Morrow, financial aid officer, CCPE, May 15, 2018.

250 Email correspondence between Abigail Cessna, associate, Clifford Chance US LLP, and Ritchie Morrow, financial aid officer, CCPE, May 15, 2018.

251 Email correspondence between Abigail Cessna, associate, Clifford Chance US LLP, and Ritchie Morrow, financial aid officer, CCPE, May 25, 2021. See Chapter 85 of the Nebraska Revised Statutes and Title 281 of the Nebraska Administrative Code for eligibility requirements for the state's grant programs.

In addition to the Nebraska Opportunity Grant, Nebraska offers a tuition waiver for dependents of those disabled or killed in the line of military duty, which should also become available to incarcerated students who otherwise meet the eligibility requirements.<sup>252</sup>

For up-to-date information and contacts for Nebraska state financial aid, visit Nebraska's Coordinating Commission for Postsecondary Education at <https://ccpe.nebraska.gov/financial-aid>.

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<sup>252</sup> Neb. Rev. Stat. § 80-411 (2020).

# Nevada state financial aid programs for incarcerated students

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Nevada operates a few decentralized, state-funded financial aid programs, none of which have express statutory or regulatory eligibility barriers for incarcerated students. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following Nevada state financial aid programs do not have explicit statutory or regulatory barriers for incarcerated students:

- › Governor Guinn Millennium Scholarship;<sup>253</sup> and
- › Silver State Opportunity Grant.<sup>254</sup>

Each program, however, has eligibility requirements that may pose practical barriers for incarcerated students. Nevada also offers tuition waivers for students who meet various criteria. These tuition waivers do not have explicit statutory barriers for incarcerated students.<sup>255</sup>

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<sup>253</sup> Nev. Rev. Stat. §§ 396.911 et seq. (2020); and Nev. Rev. Stat. § 396.930 (2020) (eligibility requirements).

Students must satisfy high school GPA requirements and enroll in at least nine credit hours per semester, among other requirements.

<sup>254</sup> Nev. Rev. Stat. §§ 396.950 et seq. (2020). Students must enroll in at least 12 credit hours per semester, among other requirements.

<sup>255</sup> See Nev. Rev. Stat. Ann. § 396.544 (2020) (for members of National Guard); Nev. Rev. Stat. Ann. § 396.5442 (2020) (for dependents of members of National Guard killed performing duties); Nev. Rev. Stat. Ann. § 396.5443 (2020) (for recipients of Purple Heart); Nev. Rev. Stat. Ann. § 396.5445 (2020) (for spouse or child of POW/MIA); Nev. Rev. Stat. Ann. § 396.5446 (2020) (waiver of half fees for veterans in certain programs); Nev. Rev. Stat. Ann. § 396.5448 (2020) (for homeless or unaccompanied students within 10 years of their 18<sup>th</sup> birthday); and Nev. Rev. Stat. Ann. § 396.545 (2020) (for dependents of public employees killed in the line of duty).

For up-to-date information and contacts for Nevada state financial aid, visit the Nevada System of Higher Education at <https://nshe.nevada.edu/administration/academic-student-affairs/financial-aid/>.

# New Hampshire state financial aid programs for incarcerated students

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New Hampshire currently offers very limited state financial aid funding, but otherwise eligible incarcerated students do not face additional barriers in applying for it. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

Currently the state of New Hampshire offers a single financial grant program, the New Hampshire Scholarship for Orphans and Veterans.<sup>256</sup> The state also offers tuition waivers for students in state foster care or guardianship and for children of firefighters or police officers who died while performing their duties.<sup>257</sup>

For up-to-date information and contacts for New Hampshire state financial aid, visit the New Hampshire Department of Education, Division of Educator Support and Higher Education at [https://www.education.nh.gov/highered/financial/addl\\_sites.htm](https://www.education.nh.gov/highered/financial/addl_sites.htm).

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<sup>256</sup> N.H. Rev. Stat. § 187-A:20-c [2020]; N.H. Code Admin. R. Ann. Hede 501.04 [2020].

<sup>257</sup> N.H. Rev. Stat. § 187-A:20-a [2020] [Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships]; and N.H. Rev. Stat. § 187-A:20-b [2020] [Tuition Waiver for Children in State Foster Care or Guardianship]. Only 30 tuition waivers for former foster children are available each year: 15 from the college system and 15 from the university system.

# New Jersey state financial aid programs for incarcerated students

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As of January 9, 2020, incarcerated students are eligible to receive state government aid, provided that they (1) have been a resident of New Jersey for a period of not less than 12 months immediately prior to the date of incarceration; (2) are a “State-sentenced inmate”; and (3) receive approval from the Department of Corrections to enroll in an eligible institution.<sup>258</sup> Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

Statutory barriers to the following financial aid programs no longer exist for incarcerated students, assuming all other eligibility requirements are met:

- › Tuition Aid Grant;<sup>259</sup>
- › Educational Opportunity Fund Grant;<sup>260</sup>
- › Governor’s Urban Scholarship;<sup>261</sup>
- › New Jersey Foster Care Scholars Program;<sup>262</sup>
- › New Jersey World Trade Center Scholarship;<sup>263</sup>
- › Student Tuition Reward Scholarship;

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258 N.J. Stat. Ann. § 18A:71B-2 (2020).

259 Higher Education Student Assistance Authority (HESAA), “Tuition Aid Grant,” [https://www.hesaa.org/Documents/TAG\\_program.pdf](https://www.hesaa.org/Documents/TAG_program.pdf).

260 State of New Jersey, “Education Opportunity Fund, Eligibility,” [https://www.nj.gov/highereducation/EOF/EOF\\_Eligibility.shtml](https://www.nj.gov/highereducation/EOF/EOF_Eligibility.shtml).

261 HESAA, “Governor’s Urban Scholarship,” <https://www.hesaa.org/Documents/GUSScholarshipProgram.pdf>.

262 HESAA, “New Jersey Foster Care Scholars,” <https://www.hesaa.org/Documents/NJFCScholarsEligibilityFlyer.pdf>.

263 HESAA, “World Trade Center Scholarship,” [https://www.hesaa.org/Documents/WTC\\_program.pdf](https://www.hesaa.org/Documents/WTC_program.pdf).

- > Survivor Tuition Benefits;<sup>264</sup>
- > Law Enforcement Officer Memorial Scholarship;<sup>265</sup>
- > Governor’s Industry Vocations Scholarship for Women and Minorities;<sup>266</sup> and
- > Community College Opportunity Grants.<sup>267</sup>

For up-to-date information and contacts for New Jersey state financial aid, visit the Higher Education Student Assistance Authority at <https://www.hesaa.org/Pages/Default.aspx>.

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264 HESAA, “New Jersey Survivor Tuition Benefits Program & Law Enforcement Officer Memorial Scholarship,” [https://www.hesaa.org/Documents/STB-LEOM\\_program.pdf](https://www.hesaa.org/Documents/STB-LEOM_program.pdf).

265 Ibid.

266 HESAA, “Governor’s Industry Vocations Scholarship for Women & Minorities,” [https://www.hesaa.org/Documents/NJ-GIVS\\_program.pdf](https://www.hesaa.org/Documents/NJ-GIVS_program.pdf).

267 Office of the Secretary of Higher Education, “Community College Opportunity Grant—Program Description,” State of New Jersey, <https://www.nj.gov/highereducation/ccog.shtml>.

# New Mexico state financial aid programs for incarcerated students

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New Mexico has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

None of the following state financial aid programs have express statutory or regulatory barriers preventing eligibility of incarcerated students:

- › Legislative Lottery Tuition Scholarship Program;<sup>268</sup>
- › New Mexico Scholars;<sup>269</sup>
- › New Mexico Opportunity Scholarship;<sup>270</sup>
- › Fire Fighter and Peace Officer Survivors Scholarships;<sup>271</sup>
- › Student Incentive Grant Program;<sup>272</sup>
- › Student Choice Grant;<sup>273</sup>
- › Students with Disabilities Scholarship Act;<sup>274</sup>

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268 N.M. Stat. Ann. § 21-21N-3 (2020). Students must have graduated from a public or accredited private New Mexico high school, completed requirements as a home-schooled student registered with the New Mexico Public Education Department, or received a high school equivalency credential recognized by the state of New Mexico while maintaining residency in New Mexico, among other eligibility requirements.

269 N.M. Stat. Ann. § 21-21H-5 (2020). Students must be under 21 years of age and meet certain academic and need requirements.

270 New Mexico Higher Education Department, “New Mexico Opportunity Scholarship,” <https://hed.state.nm.us/financial-aid/scholarships/new-mexico-opportunity-scholarship>. This scholarship is funded by the state lottery under N.M. Stat. Ann. § 21-21N (2020).

271 N.M. Stat. Ann. §§ 21-21F-3 and 21-21F-4 (2020).

272 New Mexico Higher Education Department, “Student Incentive Grant Program,” <http://www.hed.state.nm.us/students/nmsig.aspx>.

273 N.M. Stat. Ann. §§ 21-21C-5 and 21-21C-6 (2020). Students must be enrolled in at least six credit hours, among other requirements.

274 N.M. Stat. Ann. § 21-21M-4 (2020).

- > Wartime & Vietnam Veterans Scholarship;<sup>275</sup>
- > Teacher Preparation Affordability Scholarship Program;<sup>276</sup>
- > Tuition and Fee Waivers For Foster Children;<sup>277</sup>
- > Legislative Endowment Scholarship Program;<sup>278</sup> and
- > College Affordability Grant.<sup>279</sup>

Each program, however, has eligibility requirements that may pose practical barriers for incarcerated students.

For up-to-date information and contacts for New Mexico state financial aid, visit the New Mexico Higher Education Department at [http://www.hed.state.nm.us/students/fa\\_quicklist.aspx](http://www.hed.state.nm.us/students/fa_quicklist.aspx).

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275 N.M. Stat. Ann. § 21-21E-3 (2020).

276 N.M. Stat. Ann. § 21-21O-4 (2020).

277 N.M. Stat. Ann. § 21-1-4.7 (2020). Students must enroll before their 25<sup>th</sup> birthday, among other requirements.

278 N.M. Stat. Ann. § 21-21J-4 (2020).

279 N.M. Stat. Ann. § 21-21L-4 (2020).

# New York state financial aid programs for incarcerated students

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Incarcerated students enrolled in postsecondary education programs in New York are not eligible for the state's financial aid programs. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

New York State's Tuition Assistance Program comprises three state financial aid grant programs: the Tuition Assistance Program (TAP); the Supplemental TAP, which provides students who are eligible for TAP grants additional funding for necessary remedial programs; and Part-time TAP for students attending eligible New York State institutions on a part-time basis.<sup>280</sup> In addition to TAP-related aid, the state offers grants that share eligibility requirements with TAP to children of deceased or disabled veterans, police officers, peace officers, firefighters, volunteer firefighters, corrections officers, and veterans.<sup>281</sup> New York also offers funding for colleges and universities to support foster care youth.<sup>282</sup> All of these programs share the statutory barriers preventing incarcerated students from receiving state-funded financial assistance to pursue postsecondary education.<sup>283</sup> This ban applies only to students who are incarcerated and lifts when students return to the community.<sup>284</sup>

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280 For TAP, see N.Y. Educ. Law § 667 [2020]. For Supplemental TAP see N.Y. Educ. Law § 667-A [2021]. For Part-time TAP, see N.Y. Educ. Law § 666 [2020].

281 N.Y. Educ. Law §§ 668 and 669A [2020].

282 N.Y. Educ. Law § 6456 [2020].

283 N.Y. Educ. Law § 661(6)(d) [2020] (“No student who is incarcerated in any federal, state or other penal institution shall be eligible for any general or academic performance award made pursuant to this article”). See also New York Higher Education Services Corporation, “Programs, Policies and Procedures: Guide to Grants and Scholarship Programs: Chapter 3: Student Information,” <https://www.hesc.ny.gov/partner-access/financial-aid-professionals/programs-policies-and-procedures-guide-to-grants-and-scholarship-programs/chapter-3-student-information.html>.

284 N.Y. Educ. Law § 661(6)(d) [2020].

In 2017, New York State announced a program to fund thousands of seats for the state's College in Prison Reentry program.<sup>285</sup> However, because this program awards state funding to colleges, rather than individuals, it ultimately limits those who can access programs affiliated with these schools—including students in federal prisons—from benefiting from state aid dollars.<sup>286</sup>

For up-to-date information and contacts for New York State financial aid, visit the Higher Education Services Corporation at <https://www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid.html>.

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285 Office of the Governor of New York, "Governor Cuomo and Manhattan District Attorney Vance Announce Award Recipients of \$7.3 Million Investment in College-level Education and Reentry Services for New York State Prisons," press release (Albany, NY: Office of the Governor, August 7, 2017), <https://www.governor.ny.gov/news/governor-cuomo-and-manhattan-district-attorney-vance-announce-award-recipients-73-million>.

286 Ibid.

# North Carolina state financial aid programs for incarcerated students

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Incarcerated students who are enrolled in postsecondary education programs in North Carolina are currently ineligible for two of the state's largest financial aid programs, as students are required to meet all of the Pell Grant's eligibility requirements.<sup>287</sup> However, students who were previously prevented from receiving Pell Grants because of the incarceration ban should be eligible for these financial aid programs following Pell reinstatement. There are no explicit barriers preventing otherwise eligible incarcerated students from applying for several other financial aid programs.

## Financial aid programs with statutory barriers for incarcerated students

The North Carolina Need-Based Scholarship for Students Attending Private Institutions of Higher Education and the North Carolina Education Lottery Scholarship both require students to meet all of the Pell Grant's eligibility requirements, other than the expected family contribution, to be considered for aid.<sup>288</sup> With the passage of the FAFSA Simplification Act, students incarcerated in federal and state prisons will become eligible for Pell Grants no later than July 1, 2023.<sup>289</sup> Therefore, incarcerated students should also become eligible for these two state scholarship programs following Pell reinstatement.

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<sup>287</sup> For eligibility requirements for the North Carolina Need-based Scholarship for Students Attending Private Institutions of Higher Education, see N.C. Gen. Stat. § 116-281 (2019). For the North Carolina Education Lottery Scholarship, see N.C. Gen. Stat. § 115C-499.2 (2019).

<sup>288</sup> *Id.*

<sup>289</sup> FAFSA Simplification Act, P.L. 116-260 § 702(n)(1)(A)(iv).

## Financial aid programs with policy barriers for incarcerated students

Although there is no statutory barrier for incarcerated students to be considered for the North Carolina Community College Grant, it is the policy of the North Carolina State Board of Community Colleges to require students to meet all Pell eligibility requirements.<sup>290</sup> The state board is authorized to adjust rules and policies regarding administration of the program.<sup>291</sup>

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs do not have explicit barriers for students who are currently incarcerated:

- › University of North Carolina Need-Based Grant;<sup>292</sup>
- › tuition waivers for survivors of law enforcement officers, volunteer firefighters, and rescue squad workers killed or permanently disabled in the line of duty;<sup>293</sup>
- › tuition waivers for foster care youth;<sup>294</sup> and
- › Cheatham White Scholarship.<sup>295</sup>

For up-to-date information and contacts for North Carolina state financial aid, visit the College Foundation of North Carolina at [https://www.cfnc.org/paying/schol/info\\_schol.jsp](https://www.cfnc.org/paying/schol/info_schol.jsp).<sup>296</sup>

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290 N.C. Gen. Stat. § 115D-40.1 (2020). North Carolina State Education Assistance Authority (NCSEAA), *Policies for the North Carolina Community College Grant and Loan Program and Targeted Financial Assistance* (Research Triangle Park, NC: NCSEAA, 2013), § A(2)(e), <http://www.ncseaa.edu/pdf/CC%20Grant%20guidance.pdf>.

291 N.C. Gen. Stat. § 115D-40.1 (2020).

292 N.C. Gen. Stat. § 116-25.1 (2019). The significant limit on need-based grants from the University of North Carolina is the number of semesters that can be funded.

293 N.C. Gen. Stat. § 115B-2(a) (2019). In the case of disability (but not death), the child of such a disabled person must be under 24 years old to qualify for this waiver.

294 N.C. Gen. Stat. § 115B-2(a)(5) (2019). The student must be under 24 years old to apply for this waiver.

295 N.C. Gen. Stat. § 116-292 (2019). The Cheatham White Scholarship is merit-based and requires students to apply to college in the semester immediately following receiving their high school credentials.

296 The College Foundation of North Carolina is a nonprofit corporation that administers a large portfolio of education loans, several state and private grant and scholarship programs for students attending North Carolina colleges and universities, and the NC 529 Plan college savings program on behalf of NCSEAA.

# North Dakota state financial aid programs for incarcerated students

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North Dakota has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs do not have explicit barriers for students who are currently incarcerated:

- › North Dakota State Student Incentive Grant (North Dakota State Grant);<sup>297</sup>
- › North Dakota Scholars Program;<sup>298</sup>
- › North Dakota Indian Scholarship;<sup>299</sup>
- › North Dakota Career and Technical Education Scholarship;<sup>300</sup> and
- › North Dakota Academic Scholarship.<sup>301</sup>

Each, however, has eligibility requirements that may pose practical barriers for incarcerated students.<sup>302</sup>

For up-to-date information and contacts for North Dakota state financial aid, visit the North Dakota University System at <https://ndus.edu/paying-for-college/>.

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297 N.D. Cent. Code § 15-62.4-03 [2019].

298 N.D. Cent. Code § 15-62.5-01 [2019].

299 N.D. Cent. Code § 15-63-04 [2019].

300 N.D. Cent. Code § 15.1-21-02.4 [2019] [Repealed effective July 31, 2024]; and N.D. Cent. Code § 15.1-21-02.6 [2021] [Effective through July 31, 2024]. Students must have completed specific curriculum requirements in high school.

301 N.D. Cent. Code § 15.1-21-02.5 [2019] [Repealed effective July 31, 2024]; and N.D. Cent. Code § 15.1-21-02.6 [2019] [Effective through July 31, 2024].

302 For more information on these programs, see North Dakota University System, *North Dakota State Grant and Scholarship Programs 2018–2019* (Bismarck, ND: North Dakota University System, 2018), <https://ndus.edu/wp-content/uploads/sites/6/2018/12/nd-state-programs-chart-of-programs.pdf>.

# Ohio state financial aid programs for incarcerated students

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The largest state financial aid program in Ohio is not available to students who are currently incarcerated. Incarcerated students who have not been convicted of certain enumerated crimes, such as riot and failure to disperse, are eligible for the state's tuition waiver programs and the Choose Ohio First program. Because state aid is not dependent upon Pell Grant eligibility, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

The statute authorizing the Ohio College Opportunity Grant bars students “serving a term of imprisonment” from receiving need-based financial aid from the grant.<sup>303</sup> Once students return to their communities, they may apply.

## Financial aid programs with statutory barriers for incarcerated students with certain convictions

Ohio prohibits students from receiving student financial assistance from state funds if they have been convicted of, pled guilty to, or have been adjudicated a delinquent child for aggravated riot, riot, failure to disperse, or misconduct at an emergency.<sup>304</sup> By statute, this ban lasts for two calendar years from the time that the student applies for state assistance.<sup>305</sup>

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303 Ohio Rev. Code Ann. § 3333.122(C)(2) [2019]. See also Ohio Department of Higher Education, “Ohio College Opportunity Grant [OCOG],” <https://www.ohiohighered.org/ocog>.

304 Ohio Rev. Code Ann. § 3333.38(B) [2021]. See also Ohio University, “Convictions for Certain Riot-Related and Sexual Assault Offenses [Ohio House Bill 95],” <https://www.ohio.edu/student-affairs/students/notifications/convictions-certain-riot-related-and-sexual-assault-offenses-ohio-house-bill>.

305 Ohio Rev. Code Ann. § 3333.38(B) [2019].

Incarcerated students who have been convicted of any of the crimes enumerated above may not be eligible for any state financial aid.

Incarcerated students who have not been convicted of the crimes listed above may be eligible for some financial aid programs in Ohio. These include tuition waivers for veterans, as well as waivers for the spouses and children of deceased veterans, firefighters, and law enforcement personnel.<sup>306</sup> In addition, the Choose Ohio First need- and merit-based scholarship program is available to incarcerated students, although students must be in the STEMM (Ohio includes science, technology, engineering, mathematics, and medicine) fields and apply during their first year of seeking a degree.<sup>307</sup>

For up-to-date information and contacts for Ohio state financial aid, visit the Ohio Department of Higher Education at <https://www.ohiohighered.org/sgs>.

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<sup>306</sup> Ohio Rev. Code Ann. § 3333.26 [2019].

<sup>307</sup> Ohio Rev. Code Ann. § 3333.61 [2019]. See also Ohio Department of Higher Education, “Choose Ohio First,” <https://www.ohiohighered.org/cof/faqs>.

# Oklahoma state financial aid programs for incarcerated students

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The two largest state financial aid programs in Oklahoma are not available to students who are currently incarcerated. Incarcerated students are eligible for a number of other, smaller programs. Because state aid is not dependent upon Pell Grant eligibility, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with barriers for incarcerated students

The Oklahoma Tuition Aid Grant Program bars students who are incarcerated in state, federal, or private correctional facilities from receiving need-based financial aid from the grant.<sup>308</sup> Once students return to their communities, they may apply for this financial aid.

In addition, the Oklahoma State Regents for Higher Education have promulgated regulations barring students incarcerated in state, federal, or private correctional facilities from receiving benefits from the Oklahoma Higher Learning Access (Oklahoma's Promise) program.<sup>309</sup> To maintain eligibility for the programs, students cannot have been adjudicated as a delinquent or convicted of a crime as an adult.<sup>310</sup> This regulatory barrier also effectively disqualifies students who prior to incarceration were eligible and enrolled in the program.

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308 Okla. Stat. tit. 70 § 626.6(3) (2020).

309 Okla. Admin. Code § 610:25-23-5(f) (2020).

310 Okla. Admin. Code §§ 610:25-23-2 and 610:25-23-4 (2020). Some of the eligibility requirements for this program must be completed prior to receiving the student's high school diploma.

## Financial aid programs without barriers for incarcerated students

The following financial aid programs have no explicit barriers preventing otherwise eligible incarcerated students from receiving aid:

- › Academic Scholars Program;<sup>311</sup>
- › Chancellor Hans Brisch Scholarship Program;<sup>312</sup>
- › William P. Willis Scholarship Program;<sup>313</sup>
- › Heartland Scholarship Program;<sup>314</sup>
- › Tulsa Reconciliation Education and Scholarship Act;<sup>315</sup>
- › Oklahoma Tuition Equalization Grant Program;<sup>316</sup>
- › Oklahoma Successful Adulthood (OKSA) Program;<sup>317</sup> and
- › Regional University Baccalaureate Scholarship Program.<sup>318</sup>

For up-to-date information and contacts for Oklahoma state financial aid, visit the Oklahoma State Regents for Higher Education at <https://www.okhighered.org/adult-students/financial-aid.shtml>.

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311 Okla. Stat. tit. 70 § 11-103.2 (2020) and Okla. Admin. Code § 610:25-1-4 (2020).

312 Okla. Admin. Code § 610:25-3-2 (2020).

313 Okla. Admin. Code § 610:25-5-2 (2020).

314 Okla. Admin. Code § 610:25-21-3 (2020).

315 Okla. Admin. Code § 610:25-29-3 (2020).

316 Okla. Admin. Code § 610:25-31-3 (2020).

317 Okla. Admin. Code § 340:75-6-110 (2020). Students must be former foster care youth under 26 years old.

318 Okla. Admin. Code § 610:25-33-4 (2020).

# Oregon state financial aid programs for incarcerated students

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Oregon has no statute or regulation that prevents incarcerated students from being eligible to receive state government aid, although one program has a policy bar. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

Oregon explicitly bars students who are currently incarcerated from receiving state financial aid through the Oregon Barber and Hairdresser (B&H) Grant Program.<sup>319</sup> However, there is no bar to receiving this grant after leaving incarceration.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs in Oregon do not have explicit barriers for students who are currently incarcerated:

- › Oregon Opportunity Grant;<sup>320</sup>
- › Oregon Promise;<sup>321</sup>
- › Oregon Roadmap to Language Excellence Scholarships;<sup>322</sup>

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319 Ore. Rev. Stat. § 348.290 (2019); and Higher Education Coordinating Commission—Office of Student Access and Completion, “Oregon Barber and Hairdresser (B&H) Grant Program,” <https://oregonstudentaid.gov/barbers-grant.aspx>.

320 Ore. Rev. Stat. § 348.263 (2019).

321 Ore. Rev. Stat. § 341.522 (2019).

322 Ore. Rev. Stat. § 348.285 (2019).

- › Foster Children Tuition Waiver;<sup>323</sup> and
- › Deceased or Disabled Public Safety Officer Grant.<sup>324</sup>

In addition to the above tuition assistance programs, the Oregon Student Child Care Grant provides Oregon residents enrolled in postsecondary education with financial aid for childcare.<sup>325</sup>

For up-to-date information and contacts for Oregon state financial aid, visit the Higher Education Coordinating Commission at <https://www.oregon.gov/highered/plan-pay-for-college/Pages/financial-aid.aspx>.

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<sup>323</sup> Ore. Rev. Stat. § 350.300 [2019].

<sup>324</sup> Ore. Rev. Stat. § 348.270 [2019].

<sup>325</sup> Higher Education Coordinating Commission—Office of Student Access and Completion, “Oregon Student Child Care Grant,” <https://oregonstudentaid.gov/child-care-grant.aspx>.

# Pennsylvania state financial aid programs for incarcerated students

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Incarcerated students enrolled in postsecondary education programs in Pennsylvania are statutorily ineligible for the state's largest financial aid program, the Pennsylvania State Grant Program.<sup>326</sup> The Pennsylvania Higher Education Authority (PHEEA) has statutory authority to deny incarcerated students other types of state financial aid, but it is the practice of the PHEEA not to exercise this authority.<sup>327</sup> Therefore, there are a number of financial aid programs without explicit barriers for incarcerated students.

## Financial aid programs with statutory, regulatory, or practice barriers for incarcerated students

Pennsylvania's largest financial aid program, the Pennsylvania State Grant Program, contains a statutory and regulatory barrier preventing students currently incarcerated in prisons from receiving aid.<sup>328</sup>

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326 In 2016–2017, Pennsylvania provided \$387,365,903 of financial aid under this program. See Pennsylvania Higher Education Assistance Authority (PHEEA), *Annual Report 2016-17* (Harrisburg, PA: PHEEA, 2017), 11, [https://www.pheaa.org/about/pdf/Annual\\_Report.pdf](https://www.pheaa.org/about/pdf/Annual_Report.pdf).

327 Telephone interview by Abigail Cessna, associate, Clifford Chance US LLP, with PHEEA, March 19, 2018.

328 The statutory definition of “student” is written to specifically exclude people who are incarcerated. 24 Pa. Cons. Stat. §§ 5153(4)-(5) (2019). Pennsylvania's administrative code defines incarceration to exclude pre-release programs and notes that after incarceration applicants are eligible for grant funds. 22 Pa. Code § 121.6(b) (2019).

## Financial aid programs without active barriers for incarcerated students

The Pennsylvania Higher Education Assistance Agency has statutory authority to deny all forms of state financial assistance to students who have previously been convicted of certain crimes, including drug-related offenses and felonies.<sup>329</sup> This gives PHEAA the means to prevent formerly, as well as currently, incarcerated students from taking part in any state financial aid program. It is PHEAA policy to use this discretion only when administering the State Grant Program and not for any other financial assistance programs.<sup>330</sup>

Because of the PHEAA's policy to not consider conviction history for grant programs, otherwise eligible incarcerated students may apply for the following programs:

- › Scholarship for Children of Prisoners of War;<sup>331</sup>
- › scholarships for qualified veterans;<sup>332</sup> and
- › Postsecondary Educational Gratuity Program for children of police officers, firefighters, corrections employees, sheriffs, National Guard members, and other individuals on federal or state military duty killed while performing their duties.<sup>333</sup>

For up-to-date information and contacts for Pennsylvania state financial aid, visit the Pennsylvania Higher Education Assistance Authority at <https://www.pheaa.org/funding-opportunities/state-grant-program/>.

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329 22 Pa. Admin. Code § 121.6 (2019).

330 Telephone interview by Abigail Cessna, associate, Clifford Chance US LLP, with PHEAA, March 19, 2018. Compare 22 Pa. Admin. Code §§ 121.6(a)-(b) (2018) (identifying that conviction history is a consideration and incarceration is a barrier to eligibility for the State Grant Program only) and 22 Pa. Admin. Code §§ 121.6(c)-(e) (2018) (identifying conditions that bar students from participating in all state financial aid programs).

331 24 Pa. Cons. Stat. § 5161 (2019).

332 24 Pa. Cons. Stat. § 5173 (2019).

333 24 Pa. Cons. Stat. § 7203 (2019); and 51 Pa. Cons. Stat. § 3503 (2019).

# Rhode Island state financial aid programs for incarcerated students

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Rhode Island has no statute, regulation, or policy making incarcerated students ineligible to receive state government aid. However, state higher education institutions distribute much of the financial aid in the state, and it is subject to their additional eligibility requirements, including Pell eligibility. These requirements often create practice barriers for incarcerated students. Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should have increased access to state financial aid following Pell reinstatement.

## Financial aid programs with practice barriers for incarcerated students

There is no statutory ban prohibiting incarcerated students from receiving state financial aid. The Rhode Island Office of the Postsecondary Commissioner (RIOPC) has statutory authority to develop need-based state financial aid programs for students.<sup>334</sup> The RIOPC has allocated state funding for financial aid to public and private colleges in the state, which can distribute aid to students using their own eligibility criteria.<sup>335</sup> Two programs, Community College of Rhode Island's (CCRI's) Supplemental Opportunity Grant at CCRI and the Rhode Island Stay-the-Course Scholarship at Rhode Island College, require Pell eligibility as a matter of practice.<sup>336</sup> Following Pell reinstatement, incarcerated students will become

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<sup>334</sup> R.I. Gen. Laws § 16-56-6 (2021).

<sup>335</sup> Telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Rhode Island Student Loan Authority, February 22, 2019.

<sup>336</sup> Community College of Rhode Island (CCRI), "Financial Aid: Available Types of Aid," [https://www.ccri.edu/oes/fa/types\\_of\\_fa.html](https://www.ccri.edu/oes/fa/types_of_fa.html); and Rhode Island College, "2020-2021 Catalog: RI Stay-the-Course Scholarship," <http://ric.smartcatalogiq.com/2020-2021/Catalog/General-Information-Undergraduate/Financial-Aid-Undergraduate/Financial-Aid-Programs-Undergraduate/State-Financial-Aid-Programs/RI-Stay-the-Course-Scholarship>.

eligible to receive Pell Grants and therefore should be eligible for these additional state financial aid funds.

## Financial aid programs without barriers for incarcerated students

The Rhode Island Promise Scholarship provides funding for students enrolled full-time at the Community College of Rhode Island.<sup>337</sup> To be eligible, students must receive their high school diploma or equivalency while under 19 years old (with exceptions for military service) and enroll at CCRI in the semester immediately following.<sup>338</sup> The CCRI Foundation also provides grant and need-based scholarships.<sup>339</sup>

The Rhode Island Department of Children, Youth and Families' Higher Education Opportunity Incentive Grant is available to cover gaps in tuition, fee, and room and board funding for former foster care youth.<sup>340</sup> In addition, the state offers a tuition waiver for qualifying disabled veterans.<sup>341</sup>

For up-to-date information and contacts for Rhode Island state financial aid, visit the Rhode Island Office of the Postsecondary Commissioner at <https://www.riopc.edu/page/finaid/>.

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337 R.I. Gen. Laws § 16-107-6 (2021).

338 R.I. Gen. Laws § 16-107-6(a)(1) (2021); and Rhode Island Council on Postsecondary Education, "Rhode Island Promise Scholarship Program: Policies and Procedures," [https://www.riopc.edu/static/photos/2018/03/30/S19\\_RIPromise\\_approved.pdf](https://www.riopc.edu/static/photos/2018/03/30/S19_RIPromise_approved.pdf).

339 See Community College of Rhode Island [CCRI], "CCRI Foundation Scholarships," <https://www.ccri.edu/foundation/scholarships/>; and CCRI, "Available Types of Aid," [https://www.ccri.edu/oes/fa/types\\_of\\_fa.html](https://www.ccri.edu/oes/fa/types_of_fa.html).

340 R.I. Gen. Laws § 42-72.8-2 (2021).

341 R.I. Gen. Laws § 30-30.1-1 (2021).

# South Carolina state financial aid programs for incarcerated students

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Students who have been convicted of a felony or more than one drug- or alcohol-related offense are not eligible for many of South Carolina’s financial aid programs, including its three merit-based scholarships—under which the state awarded more than \$300 million in aid for the 2017–2018 fiscal year—and one of its need-based grant programs.<sup>342</sup> Students who are incarcerated do not face explicit statutory barriers for the Lottery Tuition Assistance Program and the state’s tuition waivers. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

South Carolina has enacted a statutory conviction ban for several of its state financial aid programs. Students who have been convicted of any felony—or of any second drug- or alcohol-related offense—are permanently barred from accessing certain state financial aid programs for postsecondary education whether or not they are in prison:<sup>343</sup>

- › South Carolina Need-based Tuition Grant;<sup>344</sup>
- › South Carolina Need-based Grant;<sup>345</sup>

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<sup>342</sup> Jeffrey M. Schilz, *2018 Statistical Abstract* (Columbia, SC: South Carolina Commission on Higher Education, 2018), 115, [http://www.che.sc.gov/CHE\\_Docs/finance/abstract/2018\\_Statistical\\_Abstract\\_FINAL\\_EV.pdf](http://www.che.sc.gov/CHE_Docs/finance/abstract/2018_Statistical_Abstract_FINAL_EV.pdf).

<sup>343</sup> There is an exception to the conviction bar that states that “a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense” will again be eligible for the grant after the expiration of one year from the date that judgment is entered. S.C. Code Ann. § 59-113-20 (2020); S.C. Code Ann. Regs. 62-465 (2020) (Need-based grant); S.C. Code Ann. Regs. 62-315 (Palmetto Fellows Scholarship); S.C. Code Ann. Regs. 62-900.95 (Hope Scholarship); and S.C. Code Ann. Regs. 62-1200.10 (LIFE Scholarship).

<sup>344</sup> S.C. Code Ann. § 59-113-20(f) (2020); and S.C. Code Ann. Regs. § 62-465(A)(6) (2020).

<sup>345</sup> S.C. Code Ann. § 59-142-10(B)(2) (2020).

- > Palmetto Fellows Scholarship;<sup>346</sup>
- > LIFE Scholarship;<sup>347</sup> and
- > Hope Scholarship.<sup>348</sup>

## Financial aid programs without barriers for incarcerated students

The following financial aid programs do not have explicit statutory or regulatory barriers that exclude incarcerated students from consideration for aid:

- > Lottery Tuition Assistance Program;<sup>349</sup>
- > South Carolina Workforce and Industrial Needs Scholarship (SC WINS);<sup>350</sup>
- > free tuition for children of disabled/deceased law enforcement officers;<sup>351</sup> and
- > free tuition for children of certain deceased or disabled veterans.<sup>352</sup>

Incarcerated students who are interested in applying for any of the above financial aid programs must complete a FAFSA application.

For up-to-date information and contacts for South Carolina state financial aid, visit the South Carolina Commission on Higher Education at <https://www.che.sc.gov/Students,FamiliesMilitary/PayingForCollege/FinancialAssistanceAvailable.aspx>.

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<sup>346</sup> S.C. Code Ann. § 59-104-20(B) [2020]; and S.C. Code Ann. Regs. § 62-315(A)(6) [2020].

<sup>347</sup> S.C. Code Ann. § 59-149-90(A) [2020]; and S.C. Code Ann. Regs. § 62-1200.10(A)(7) [2020].

<sup>348</sup> S.C. Code Ann. § 59-150-370(C) [2020]; and S.C. Code Ann. Regs. § 62-900.95(A)(5) [2020].

<sup>349</sup> The Lottery Tuition Assistance Program (LTAP) allows students pursuing certificates and associate's degrees at participating public, private, and technical colleges to get state financial aid even if they are not eligible for other state aid programs. S.C. Code Ann. § 59-150-360 [2020]; and S.C. Code Ann. Regs. 62-900.150 [2020].

<sup>350</sup> S.C. Code Ann. § 59-150-360 [2020]. SC WINS was created to supplement the LTAP Scholarship. Students currently receiving the LTAP Scholarship may be eligible for the SC WINS program.

<sup>351</sup> Children of firefighters, law enforcement and corrections officers, certain emergency personnel, and government employees killed or disabled in the line of duty are eligible for a four-year tuition waiver under S.C. Code Ann. § 59-111-110 [2020].

<sup>352</sup> Children of deceased, disabled, or wounded veterans are eligible for tuition waiver under S.C. Code Ann. § 59-111-20 [2020].

# South Dakota state financial aid programs for incarcerated students

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Students who have been convicted of, or who are on probation for, the possession, use, or distribution of a controlled substance or marijuana under circumstances that would constitute a felony conviction are not eligible for state financial aid in South Dakota.<sup>353</sup> Incarcerated students who have not been convicted of a felony controlled substance violation are eligible to apply for the state's financial aid programs. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for students convicted of controlled substance violations

In South Dakota, students who have a felony controlled substance conviction (or a juvenile adjudication that would have constituted a felony conviction as an adult) or who have been placed on suspended imposition of sentence for such an offense are permanently barred from receiving state financial aid.<sup>354</sup>

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<sup>353</sup> S.D. Codified Laws § 13-55-29 (2019).

<sup>354</sup> *Ibid.*

## Financial aid programs without statutory barriers for incarcerated students without controlled substances violations

Incarcerated students who have not been convicted of a drug felony are eligible to apply for the South Dakota state financial aid program for which they otherwise qualify. South Dakota offers the following state financial aid programs:

- › South Dakota Opportunity Scholarship Program; and
- › need-based grants.<sup>355</sup>

South Dakota also offers a number of waiver and free tuition programs for veterans, dependents of those who are missing in action or prisoners of war, spouses and children of deceased and disabled National Guard members, and survivors of certain firefighters, law enforcement, and emergency medical personnel.<sup>356</sup> These programs require students to complete and submit a FAFSA application.

For up-to-date information and contacts for South Dakota state financial aid, visit Select Dakota, under the South Dakota Board of Regents, at <https://selectdakota.org/resources/financialaidoptions/>.

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<sup>355</sup> To be eligible for the South Dakota Opportunity Scholarship Programs, students must enter a program within five years of graduating high school and meet the composite ACT/SAT score threshold. S.D. Codified Laws § 13-55-31 (2019). South Dakota's need-based grants are codified at S.D. Codified Laws §§ 13-55A-1 through 13-55A-14 (2019), and the eligibility requirements are found in S.D. Codified Laws § 13-55A-3 (2019).

<sup>356</sup> S.D. Codified Laws § 13-55-2 (2019) (free tuition for veterans); S.D. Codified Laws § 13-55-9.2 (2019) (tuition and fees for dependents of prisoners of war and those missing in action); S.D. Codified Laws § 13-55-10 (2019) (tuition to children and spouses of deceased or disabled National Guard members); and S.D. Codified Laws § 13-55-22 (2019) (free tuition for survivors of certain firefighters, law enforcement, and emergency medical personnel).

# Tennessee state financial aid programs for incarcerated students

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Students who are incarcerated in Tennessee and enrolled in postsecondary education programs are not eligible for some state financial aid programs under state statute. Because other programs are linked to eligibility for federal financial aid, Pell reinstatement and its accompanying provisions in the FAFSA Simplification Act will likely increase access to state financial aid.

## Financial aid programs with statutory barriers for students convicted of controlled substance violations

In Tennessee, there is a general statutory ban and a corresponding regulatory ban on incarcerated students receiving financial aid under the Tennessee lottery programs, including HOPE Scholarships and Grants, the Aspire Award, and other financial aid programs.<sup>357</sup> This includes the Tennessee HOPE Foster Child Tuition Grant.<sup>358</sup> In addition to banning all incarcerated students from state financial aid, Tennessee also bars students who do not meet federal drug-free rules and laws from receiving financial assistance.<sup>359</sup> The federal Higher Education Act previously barred students convicted of some drug offenses while receiving Pell Grants from receiving federal financial aid.<sup>360</sup> However, the U.S. Secretary of Education's early

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357 Tenn. Code Ann. § 49-4-904(6) [2019]. For Tennessee's lottery-funded financial aid programs, see Tenn. Code Ann. §§ 49-4-901 through 49-4-944 [2019].

358 Tenn. Code Ann. § 49-4-933(a)(1) [2019]. Tennessee Higher Education Commission and Student Access Corporation, "Tennessee HOPE Foster Child Tuition Grant," <https://www.tn.gov/collegepays/money-for-college/grant-programs/tn-hope-foster-child-tuition-grant.html>.

359 Tenn. Code Ann. § 49-4-904(5) [2019].

360 20 U.S.C. §§ 1091(r)(1)-(2) [2012]. This ban lasts anywhere from a year to indefinitely, depending on the number and types of violations on a student's record. Students may reinstate their eligibility by completing rehabilitation programs or passing a sequence of drug tests.

implementation of certain provisions of the FAFSA Simplification Act eliminated this drug-related conviction barrier beginning with the 2021-2022 award year.<sup>361</sup> Therefore, Tennessee students with certain drug-related convictions may no longer be barred from receiving state aid after returning to their communities.

## Financial aid programs without barriers to incarcerated students

The state government of Tennessee has established initiatives to expand educational opportunities for incarcerated students, including postsecondary education at several Tennessee universities and colleges.<sup>362</sup> Tennessee statutes provide that establishing incarcerated individuals as a focus population to increase degree attainment is a priority for the Tennessee Higher Education Commission.<sup>363</sup> The Tennessee Department of Corrections must submit to the legislature an annual report detailing the higher education opportunities available to eligible incarcerated individuals.<sup>364</sup>

For up-to-date information and contacts for Tennessee state financial aid, visit the Tennessee Higher Education Commission & Student Assistance Corporation at <https://www.tn.gov/collegepays/financial-aid.html>.

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361 Federal Student Aid, “Early Implementation of the FAFSA Simplification Act’s Removal of Select Service and Drug Conviction Requirements for Title IV Eligibility,” U.S. Department of Education, June 11, 2021, <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2021-06-11/early-implementation-fafsa-simplification-acts-removal-selective-service-and-drug-conviction-requirements-title-iv-eligibility>.

362 The Tennessee Department of Corrections has its own school district and offers an Adult Education Program with three career paths for incarcerated students. Tennessee Department of Corrections, “Education,” <https://www.tn.gov/correction/redirect---rehabilitation/education.html>.

363 Tenn. Code Ann. § 49-7-169 (2019).

364 Tenn. Code Ann. § 49-7-202 (2019).

# Texas state financial aid programs for incarcerated students

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Many of Texas's state financial aid programs include an explicit statutory barrier for students who have been convicted of certain crimes not only during their periods of incarceration but also for two years following their return to their communities. The Toward Excellence, Access & Success (TEXAS) Grant program, which made up 71 percent of the state grant aid distributed in 2018, is among the programs with this ban.<sup>365</sup> There are a number of smaller financial aid programs that are available to otherwise eligible incarcerated students in the state. Because these programs are not linked to Pell Grant eligibility, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with barriers for incarcerated and formerly incarcerated students

Students who have felony or controlled substance convictions and have been incarcerated, on parole, or on probation within the past two years are not eligible for a number of the state's financial aid programs. The following state financial aid programs contain this statutory barrier:

- › TEXAS Grant Program;<sup>366</sup>
- › Texas Educational Opportunity Grant Program (TEOG);<sup>367</sup> and
- › Teach for Texas Alternative Certification Assistance Program.<sup>368</sup>

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365 Texas Higher Education Coordination Board (THECB): Office of Student Financial Aid Programs, *Report on Student Financial Aid in Texas Higher Education: Fiscal Year 2017* (Austin, TX: THECB, 2018), 21, <http://www.thecb.state.tx.us/reports/PDF/11534.PDF?CFID=91327965&CFTOKEN=73408149>.

366 Tex. Educ. Code Ann. §§ 56.304(b) and 56.305(b) (2019); and 19 Tex. Admin. Code § 22.230(g) (2019).

367 Tex. Educ. Code Ann. §§ 56.404(b) and 56.405(b) (2019); and 19 Tex. Admin. Code § 22.258(e) (2019).

368 Tex. Educ. Code Ann. § 56.357(c) (2019).

## Financial aid programs without barriers for incarcerated students

The following smaller Texas financial aid programs do not have statutory or regulatory barriers preventing otherwise eligible incarcerated students from consideration:

- › Texas Public Educational Grant Program (TPEG);<sup>369</sup>
- › Tuition Equalization Grant Program (TEG);<sup>370</sup>
- › Texas Career Opportunity Grant Program;<sup>371</sup>
- › Texas Department of Transportation Conditional Grant Program;<sup>372</sup> and
- › Texas Science, Technology, Engineering, and Mathematics Challenge Scholarship.<sup>373</sup>

Incarcerated students are also eligible for Texas tuition waiver programs. The state offers an exemption from tuition and fees for:

- › adopted students formerly in foster care and students who prior to turning 18 were under the conservatorship of the Department of Family Services;<sup>374</sup>
- › students who received Temporary Assistance for Needy Families (TANF) benefits during their last year of high school;<sup>375</sup>
- › Texan veterans who served at least 181 days and were honorably discharged;<sup>376</sup>
- › blind and Deaf students; and<sup>377</sup>

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<sup>369</sup> Tex. Educ. Code Ann. § 56.034 [2019].

<sup>370</sup> Tex. Educ. Code Ann. § 61.221 [2019]; and 19 Tex. Admin. Code § 22.21 [2019].

<sup>371</sup> Tex. Lab. Code Ann. § 305.026 [2019].

<sup>372</sup> Tex. Educ. Code Ann. § 56.143 [2019]. Students must file a declaration of intent to become a member of an engineering profession or other profession for which the department determines there is a need in its workforce and must work for the department for two years following the student's receipt of a degree.

<sup>373</sup> Tex. Educ. Code Ann. § 61.9793 [2019]; and 19 Tex. Admin. Code § 22.573 [2018].

<sup>374</sup> Students must also be under 25 years of age. Tex. Educ. Code Ann. §§ 54.366-367 [2019].

<sup>375</sup> Tex. Educ. Code Ann. § 54.361 [2019]. Students must enroll in college while under the age of 22 and within two years of graduating from a public high school. The tuition exemption is limited to one year.

<sup>376</sup> Tex. Educ. Code Ann. § 54.341 [2019].

<sup>377</sup> Tex. Educ. Code Ann. § 54.364 [2019].

- › children whose guardians are Texas residents in the armed forces deployed on combat duty; prisoners of war or persons missing in action; or disabled firefighters, law enforcement officers, or peace officers.<sup>378</sup>

Texas is one of the few states in the country that initially covers the cost of a limited number of academic and vocational courses offered in prisons. However, incarcerated students must reimburse the state for these costs after release as a condition of parole.<sup>379</sup> If incarcerated students choose to take additional courses, they are responsible for the tuition costs up front.<sup>380</sup>

For up-to-date information and contacts for Texas state financial aid, visit the Texas Higher Education Coordination Board at <http://www.theccb.state.tx.us/index.cfm?objectid=7A528990-26D1-11E8-BC500050560100A9>.

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378 Tex. Educ. Code Ann. § 54.2031 (2019) [children of armed forces members deployed on combat duty]; Tex. Educ. Code Ann. § 54.343 (2019) [children of prisoners of war or persons missing in action]; Tex. Educ. Code Ann. § 54.351 (2019) [children of disabled firefighters and law enforcement officers]; and Tex. Educ. Code Ann. § 54.352 (2019) [children of disabled peace officers].

379 Texas Department of Criminal Justice, *Offender Orientation Handbook* (Huntsville, TX: Texas Department of Criminal Justice, 2017), 45, [https://www.tdcj.texas.gov/documents/Offender\\_Orientation\\_Handbook\\_English.pdf](https://www.tdcj.texas.gov/documents/Offender_Orientation_Handbook_English.pdf).

380 *Ibid.*

# Utah state financial aid programs for incarcerated students

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Utah has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

Until recently, Utah's two largest scholarship programs, the Regent's Scholarship and the New Century Scholarship, restricted eligibility to students without criminal records aside from misdemeanor traffic citations.<sup>381</sup> The Utah state legislature amended the laws governing these programs so that incarcerated students could access these scholarships effective May 12, 2020.<sup>382</sup> However, new applications for the New Century Scholarship have been foreclosed by statute as of August 15, 2021, and the Regents' Scholarship Program has been replaced with the Opportunity Scholarship Program effective July 1, 2023.<sup>383</sup> Nothing in the amended statute prevents incarcerated students from accessing the Opportunity Scholarship Program.

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381 See Utah Code Ann. § 53B-8-203(4)(c) (2019) (Regents' Scholarship Program—Base Regents' scholarship—Qualifications—Application); and Utah Code Ann. § 53B-8-105(5)(c) (2021) (New Century scholarships—High school requirements).

382 Ibid.

383 Utah SB 136 (2021), amending Utah Code Ann. §§ 53B-8-105 and 53B-8-201, signed by governor on March 22, 2021.

The following financial aid programs in Utah also do not have statutory or regulatory barriers preventing otherwise eligible incarcerated students from consideration:

- › Western Interstate Commission for Higher Education (WICHE) Program, which is limited to the fields of optometry and podiatry;<sup>384</sup>
- › Access Utah Promise Scholarship Program;<sup>385</sup> and
- › Centennial Scholarship for Early Graduation, available for students who graduate from high school at or before the conclusion of grade 11.<sup>386</sup>

Utah also provides state tuition waiver programs specifically targeted at surviving family of qualified deceased military members, police officers, and firefighters.<sup>387</sup> There is also additional funding for veterans whose military educational benefits have run out before their final year of college and students who were in long-term foster care.<sup>388</sup> None of these programs has an express ban on incarcerated students.

For up-to-date information and contacts for Utah state financial aid, visit the Utah Higher Education Assistance Authority at <https://uheaa.org/financial-aids/>.

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<sup>384</sup> The WICHE program is established in Utah Code Ann. §§ 53B-4-101 and 53B-4-103 (2021). For more information about the WICHE program, see Utah System of Higher Education, “WICHE & T.H. Bell Programs,” <https://higheredutah.org/wicheprograms>.

<sup>385</sup> Utah Code Ann. § 53B-8-301 et seq. (2019).

<sup>386</sup> The Centennial Scholarship is governed by Utah Admin. Code R277-703-1 through R277-703-7 (2019).

<sup>387</sup> Utah Code Ann. § 53B-8-107 (2019) (surviving dependents of military members); and Utah Code Ann. § 53B-8c-103 (2019) (spouses and children of police officers and firefighters killed in the line of duty).

<sup>388</sup> Utah Code Ann. § 53B-13b-103 (2019) (veterans whose benefits terminate before the completion of their education); and Utah Code Ann. § 53B-8d-103 (2019) (“wards of the state”).

# Vermont state financial aid programs for incarcerated students

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Vermont has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs in Vermont do not have explicit barriers for students who are currently incarcerated:

- › Vermont Incentive Grant;<sup>389</sup>
- › Vermont Advancement Grant (previously the Vermont Non-Degree Grant);<sup>390</sup>
- › Emily Lester Vermont Opportunity Scholarship;<sup>391</sup> and
- › Armed Services Scholarship.<sup>392</sup>

For up-to-date information and contacts for Vermont state financial aid, visit the Vermont Student Assistance Corporation at <https://www.vsac.org/pay/student-aid-options>.

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389 Vt. Stat. Ann. tit. 16 § 2842 (2020). The Vermont Incentive Grant can be used for full- or part-time study.

Telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Vermont Student Assistance Corporation, June 18, 2019.

390 Vt. Stat. Ann. tit. 16 § 2846 (2020). These grants are available for students who are not pursuing degrees or do not meet the usual definition of “student” in Vermont statutes. They may be used at institutions that are not approved postsecondary institutions.

391 Vt. Stat. Ann. tit. 16, § 2845 (2020). This scholarship is available to eligible students between 18 and 24 years of age who were in foster care for at least six months between the ages of 16 and 18.

392 Vt. Stat. Ann. tit. 16 § 2537 (2020). This scholarship is available to surviving dependents of qualified deceased members of the armed forces.

# Virginia state financial aid programs for incarcerated students

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Virginia has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. Therefore, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs in Virginia do not have explicit barriers for students who are currently incarcerated:

- › Virginia Commonwealth Award;<sup>393</sup>
- › Virginia Guaranteed Assistance Program;<sup>394</sup>
- › Virginia Tuition Assistance Grant Program;<sup>395</sup>
- › Two-Year College Transfer Grant;<sup>396</sup>
- › Virginia Military Survivors & Dependents Education Program;<sup>397</sup>

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<sup>393</sup> Va. Code Ann. § 23.1-600; 8 Va. Admin. Code § 40-132-80 (2020) (establishing grant program for undergraduate students); and 8 Va. Admin. Code § 40-132-140 (2020) (establishing grant program for graduate students).

<sup>394</sup> Va. Code Ann. § 23.1-638 (2020).

<sup>395</sup> Va. Code Ann. § 23.1-631 (2020).

<sup>396</sup> Va. Code Ann. § 23.1-624 (2020).

<sup>397</sup> Va. Code Ann. § 23.1-608 (2020). This program is available to the spouse or child of a military service member (including National Guard) who has been killed or rated at least 90 percent disabled as a result of their service. Children must be under 30 years of age but can seek a waiver of the age limit in extenuating circumstances.

- > tuition waivers for surviving spouses and children of law enforcement, emergency, and military personnel;<sup>398</sup>
- > tuition and fee grants for foster children;<sup>399</sup>and
- > Virginia Part-Time Tuition Assistance Grant Program.<sup>400</sup>

For up-to-date information and contacts for Virginia state financial aid, visit the State Council of Higher Education for Virginia at <https://www.schev.edu/index/tuition-aid/financialaid>.

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398 Va. Code Ann. § 23.1-609 (2020). This program is available for spouses and children under 25 years of age of individuals killed while serving as a “[i] law-enforcement officer, including as a campus police officer . . . sworn law-enforcement officer, firefighter, special forest warden . . . , member of a rescue squad, special agent of the Virginia Alcoholic Beverage Control Authority, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff; [ii] member of the Virginia National Guard while serving on official state duty or federal duty . . . ; or [iii] member of the Virginia Defense Force while serving on official state duty.”

399 Va. Code Ann. § 23.1-601 (2020).

400 State Council of Higher Education Virginia (SCHEV), *Virginia Part-Time Tuition Assistance Grant* (Richmond, VA: SCHEV, 2017), <https://www.schev.edu/docs/default-source/institution-section/Financial-Aid-and-Domicile-Officers/ptapfactsheet.pdf>.

# Washington state financial aid programs for incarcerated students

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Although Washington statutes bar incarcerated students from access to one financial aid program targeting middle school students, otherwise eligible incarcerated students can participate in the state's other programs. Because these programs are not linked to eligibility for Pell Grants, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

Students with a felony conviction are not eligible to participate in Washington's College Bound Scholarship program, which is open to foster care youth and students who receive Temporary Assistance for Needy Families (TANF) benefits and are willing to take the early college pledge in seventh or eighth grade.<sup>401</sup> Because this statutory bar is linked to conviction, not incarceration status, students will not be eligible even after they return to their communities.

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<sup>401</sup> Wash. Rev. Code § 28B.118.010 (2020). Students must also sign a pledge during seventh grade to be eligible for this scholarship and meet additional academic requirements.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs in Washington do not have explicit barriers for students who are currently incarcerated:

- › Washington College Grant/State Need Grant;<sup>402</sup>
- › Passport to Careers/Passport to College Promise;<sup>403</sup>
- › American Indian Endowment Scholarship;<sup>404</sup>
- › Opportunity Grants;<sup>405</sup>
- › Opportunity Scholarship Program;<sup>406</sup>
- › Foster Care Endowed Scholarship Program;<sup>407</sup>
- › dependents of deceased or disabled veterans and National Guard members;<sup>408</sup>
- › waiver of tuition and fees for people who have been wrongfully convicted;<sup>409</sup> and
- › exemption from tuition and fees for surviving children and spouses of certain law enforcement officers, firefighters, state patrol officers, or highway workers.<sup>410</sup>

For up-to-date information and contacts for Washington state financial aid, visit the Washington Student Achievement Council at <https://www.wsac.wa.gov/financial-aid>.

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<sup>402</sup> Wash. Rev. Code § 28B.92.200 (2020); Wash. Rev. Code § 28B.92.060 (2020).

<sup>403</sup> Wash. Rev. Code § 28B.117.030 (2020). This program is for young adults who have been in the foster system or experienced homelessness and who are not yet 21 years old.

<sup>404</sup> Wash. Rev. Code § 28B.108.010 (2020).

<sup>405</sup> Wash. Rev. Code § 28B.50.272 (2020).

<sup>406</sup> Wash. Rev. Code § 28B.145.010 (2020) [as amended by 2021 Wash. Laws Ch. 133 (HB 1425)]. Opportunity scholarships can be used for both professional-technical certificates and bachelor's degrees, as well as by students who intend to transfer from a community college to a four-year institution.

<sup>407</sup> Wash. Rev. Code § 28B.116.010 (2020). This program is open to students under age 24 who were in foster care for a minimum of six months since age 14.

<sup>408</sup> Wash. Rev. Code § 28B.15.621(4) (2020). Colleges and universities also have the option, but are not required, to waive tuition and fees for veterans and National Guard members who have been called to active duty. Wash. Rev. Code §§ 28B.15.621(2) and 28B.15.621(3) (2020).

<sup>409</sup> Wash. Rev. Code § 28B.15.395 (2020). “Children” of wrongfully convicted persons includes stepchildren and adopted children, so long as they had that status before the wrongfully convicted person was compensated under Washington’s wrongful conviction statute.

<sup>410</sup> Wash. Rev. Code § 28B-15.380 (2020).

# West Virginia state financial aid programs for incarcerated students

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West Virginia students who are incarcerated face statutory barriers to need-based aid for part-time study and are prevented from receiving certain state grants for full-time study by practices developed by the state Higher Education Policy Commission (HEPC). However, following Pell reinstatement, students who were previously prevented from receiving Pell Grants because of the incarceration ban should become eligible to receive state aid that had practice barriers based on eligibility for the Pell Grant. Incarcerated students who meet certain academic and timing qualifications are eligible for the West Virginia Promise Scholarship. Otherwise eligible students who are currently incarcerated may apply for the state's tuition waivers.

## Financial aid programs with statutory and practice barriers for incarcerated students

The Higher Education Adult Part-time Student (HEAPS) award contains a statutory ban preventing students incarcerated in prisons and jails from receiving the scholarship.<sup>411</sup> Once otherwise eligible students return to their communities, they will be able to receive state grants under this program.

West Virginia offers tuition waivers for high school graduates in foster care. In order for students to receive a waiver, they must apply for other student financial assistance “in compliance with federal financial aid rules,

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<sup>411</sup> W.Va. Code § 18C-5-7(c)(5) (2020).

including the Pell Grant.”<sup>412</sup> Therefore, students who were previously prevented from receiving Pell Grants because of the incarceration ban should become eligible for this tuition waiver following Pell reinstatement.

## Financial aid programs without barriers for incarcerated students

The West Virginia Higher Education Grant program does not contain any statutory or regulatory barriers for incarcerated students.<sup>413</sup>

Incarcerated students who meet the eligibility requirements may apply for the West Virginia Promise Scholarship, which requires full-time enrollment in a postsecondary program within two years of receiving a high school credential (or within one year of discharge from the military, if they entered the military within those two years) and that students meet certain high school academic standards.<sup>414</sup>

Fee waivers are available for the children and spouses of police officers, firefighters, National Guard personnel, reserve personnel, and active military duty personnel killed in the line of duty.<sup>415</sup>

For up-to-date information and contacts for West Virginia state financial aid, visit the College Foundation of West Virginia at

[https://secure.cfwv.com/Financial\\_Aid\\_Planning/Scholarships/Scholarships.aspx](https://secure.cfwv.com/Financial_Aid_Planning/Scholarships/Scholarships.aspx).<sup>416</sup>

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<sup>412</sup> W.Va. Code § 18B-10-7b (2020). West Virginia Higher Education Policy Commission holds that the statute gives authority to each college board of governors to set their own policy regarding tuition waivers. Email correspondence between Jennifer Saionz, associate, Clifford Chance US LLP, and Brian Weingart, senior director of financial aid, West Virginia Higher Education Policy Commission, July 23, 2021.

<sup>413</sup> W.Va. Code § 18C-5-1(c)(5) (2020). West Virginia Higher Education Policy Commission does not require eligibility for Pell Grants for students to receive financial aid under programs run by the West Virginia Higher Education Policy Commission. Email correspondence between Jennifer Saionz, associate, Clifford Chance US LLP, and Brian Weingart, senior director of financial aid, West Virginia Higher Education Policy Commission, July 23, 2021.

<sup>414</sup> W.Va. Code § 18C-7-6 (2020).

<sup>415</sup> W.Va. Code § 18B-10-7 (2020).

<sup>416</sup> The College Foundation of West Virginia is a college- and career-planning outreach initiative led by the West Virginia Higher Education Policy Commission and the West Virginia Community and Technical College System.

# Wisconsin state financial aid programs for incarcerated students

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Wisconsin has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid. However, many aid programs prohibit funds from being distributed to students who have failed to make child support payments until they can establish that they are current on payments or have entered into an approved payment agreement for the amount in arrears.<sup>417</sup> Because these programs are not linked to Pell Grant eligibility, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs without barriers for incarcerated students

The following state financial aid programs in Wisconsin do not have explicit barriers for students who are currently incarcerated:

- Wisconsin Grant for use in public and tribal colleges;<sup>418</sup>
- Wisconsin Grant for use in private institutions;<sup>419</sup>
- Talent Incentive Program Grant;<sup>420</sup>
- Indian Student Assistance Grant;<sup>421</sup>

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<sup>417</sup> See for example Wis. Stat. § 39.44(4) (2020). (“[I]f a student’s name appears on the statewide support lien docket . . . [a]n institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student, unless the student provides to the institution or school a payment agreement that has been approved by the county child support agency . . .”).

<sup>418</sup> Wis. Stat. § 39.435(1) (2020).

<sup>419</sup> Wis. Stat. § 39.30 (2020).

<sup>420</sup> Wis. Stat. § 39.435(2) (2020). Students need not maintain continuous enrollment to be eligible for this grant.

<sup>421</sup> Wis. Stat. § 39.38 (2018). Students whose name appears on the state support lien document are not eligible for this program.

- > Minority Undergraduate Grant;<sup>422</sup>
- > Wisconsin Grant for students who “are [D]eaf or hard of hearing or visually handicapped and who demonstrate need”;<sup>423</sup>
- > Private Institution Grants for Veterans and Dependents (eligible dependents must be under the age of 26);<sup>424</sup>
- > fee remission for survivors;<sup>425</sup> and
- > fee remission for veterans.<sup>426</sup>

For up-to-date information and contacts for Wisconsin state financial aid, visit the State of Wisconsin Higher Educational Aids Board at <http://heab.state.wi.us/programs.html>.

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<sup>422</sup> Wis. Stat. § 39.44 (2020). This grant is available to a student who “1. Is a Black American; 2. Is an American Indian; 3. Is a Hispanic, as defined in s. 16.287(1)(d); 4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.”

<sup>423</sup> Wis. Stat. § 39.435(5) (2020).

<sup>424</sup> Wis. Stat. § 39.49 (2020).

<sup>425</sup> Wis. Stat. § 36.27(3m) (2020) (fees, including distance education fees, are waived for the spouse or child of “an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit.”); and Wis. Stat. § 36.27(3n) (2020) (fees are waived for the spouse, surviving spouse, or child of certain military personnel, including National Guard and Reserves).

<sup>426</sup> Wis. Stat. § 36.27(3p) (2020). Veterans must have served on active duty to qualify for this waiver.

# Wyoming state financial aid programs for incarcerated students

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Incarcerated students enrolled in postsecondary education programs in the state of Wyoming are not eligible for state financial aid, which is awarded through the Hathaway Scholarship program.<sup>427</sup> The statutory barrier extends to any student who has been convicted of a felony in Wyoming or elsewhere, preventing these students from ever receiving state financial aid.<sup>428</sup> Otherwise eligible students who are currently incarcerated may apply for Wyoming tuition waivers. Because these programs are not linked to Pell Grant eligibility, Pell reinstatement will not impact access to state financial aid.

## Financial aid programs with statutory barriers for incarcerated students

The Hathaway Scholarship Program in Wyoming contains a statutory ban preventing incarcerated students from receiving the scholarship, as well as a statutory ban for students who have been convicted of a felony.<sup>429</sup> Students convicted of felonies may appeal directly to the Department of Education for an exception if they have rejoined the community and can show that they have satisfactorily completed all conditions imposed by the court that convicted them.<sup>430</sup> The Hathaway Scholarship Program consists of four merit scholarships, each with its own set of eligibility requirements, as well as need-based aid scholarships for students who “qualify for” federal financial aid.<sup>431</sup>

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<sup>427</sup> Wyo. Stat. Ann. § 21-16-1303(e)(v) [2021].

<sup>428</sup> Wyo. Stat. Ann. § 21-16-1303(e)(vi) [2021].

<sup>429</sup> Wyo. Stat. Ann. §§ 21-16-1303(e)(v)-(vi) [2021]. This barrier was confirmed in a telephone interview by Abigail Cessna, associate, Clifford Chance US LLP, with Jennifer Lahiff, Wyoming Department of Education, July 13, 2018.

<sup>430</sup> Wyo. Stat. Ann. § 21-16-1308(b)(v) [2021] (citing Wyo. Stat. Ann. § 21-16-1308(b)(v)).

<sup>431</sup> Wyo. Stat. Ann. § 21-16-1306(a)(i) [2021] (“The scholarship shall be available only to students qualifying for a scholarship under W.S. 21-16-1304 or 21-16-1305 and for federal financial aid.”). It is unclear if the language “qualify” refers only to financial need or to Title IV eligibility requirements.

## Financial aid programs without barriers for incarcerated students

Although incarcerated students in Wyoming are not eligible for state need- or merit-based financial aid programs, they may be eligible for reduced or free tuition if they are children of deceased or disabled police officers, firefighters, or emergency medical technicians.<sup>432</sup>

For up-to-date information and contacts for Wyoming state financial aid, visit the Wyoming Department of Education at <https://edu.wyoming.gov/beyond-the-classroom/grants/>.

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<sup>432</sup> Wyo. Stat. Ann. § 21-16-1501 [2021].

## About citations

As researchers and readers alike rely more and more on public knowledge made available through the Internet, “link rot” has become a widely acknowledged problem with creating useful and sustainable citations. To address this issue, the Vera Institute of Justice is experimenting with the use of Perma.cc (<https://perma.cc>), a service that helps scholars, journals, and courts create permanent links to the online sources cited in their work.

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