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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 appendix 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. 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, 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 2018–2019 do not appear in this appendix or the accompanying report.¹ This appendix does include state programs to support current and former foster care youth even though these programs may also have significant practical barriers.²

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.

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.

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Alabama financial aid for incarcerated students

Alabama's laws do not prevent incarcerated students in the state from consideration for state financial aid.

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.³ The Alabama Student Grant Program provides grants up to \$1,200 per academic year.⁴ It is not a need-based grant program.⁵

In addition, Alabama offers tuition waivers to surviving dependents and eligible spouses of police officers and firefighters killed in the line of duty.⁶ The state also 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.⁷

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>.

³ Ala. Admin. Code r. 300-4-2-.01 [2018].

⁴ Ala. Code § 16-33A-3 [2018]; and Ala. Admin. Code r. 300-4-3-.03 [2018].

⁵ Alabama Commission on Higher Education, Student Financial Assistance, <http://ache.edu/StudentAsst.aspx>.

⁶ Ala. Admin. Code r. 300-4-7-.03 [2018].

⁷ Ala. Code § 38-12B-6 [2018].

Alaska financial aid for incarcerated students

Alaska has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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 up to \$4,000 per year to students with financial aid who attend accredited postsecondary institutions in Alaska.⁸ The Alaska Performance Scholarship program awards 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.⁹ 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.¹⁰ Students who are currently or were formerly in foster care may be eligible for college-run tuition waivers.¹¹

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>.

8 Alaska Stat. § 14.43.415 (2018); and Alaska Admin. Code tit. 20, §16.010 (2018).

9 Alaska Stat. § 14.43.810-849 and § 14.03.113 (2018).

10 Alaska Stat. § 14.43.085 (2018).

11 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 financial aid for incarcerated students

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 federal Pell Grant eligibility requirements to be considered for state aid programs.¹² Therefore, students who are prevented from receiving Pell Grants because of the federal incarceration ban also are ineligible to receive aid from the state of Arizona.

Financial aid programs with practice barriers for incarcerated students

Arizona offers one need-based financial aid program, Arizona Leveraging Education Assistance Partnership (AzLEAP), to help students with substantial financial need to attend undergraduate institutions. Under Arizona law, students are not required to be Pell-eligible to be considered for this grant.¹³ However, a representative from ACPE confirmed that the state will only award AzLEAP grants to those students who meet Pell Grant requirements.¹⁴ As long as ACPE follows this interpretation and incarcerated students are not eligible for federal Pell Grants, they also will not be eligible for state financial aid in Arizona.

¹² Telephone interview by Kimara Davis, summer associate, Clifford Chance US LLP, with a representative of ACPE, June 22, 2018.

¹³ Ariz. Rev. Stat. Ann. § 15-1856 (2018).

¹⁴ Telephone interview by Kimara Davis, summer associate, Clifford Chance US LLP, with a representative of ACPE, June 22, 2018.

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.¹⁵ In addition, qualifying students who are incarcerated may also apply for the state's foster care tuition waiver.¹⁶

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>.

15 Ariz. Rev. Stat. Ann. § 15-1808 (2018). Children of qualifying disabled or deceased individuals generally must be under the age of 30 to qualify for this waiver.

16 Ariz. Rev. Stat. Ann. § 15-1809.01 (2018). Students must be under 23 years of age to use this waiver.

Arkansas financial aid for incarcerated students

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.¹⁷ 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.¹⁸ 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.¹⁹ The award increases for successive years of study.²⁰

Financial aid programs without barriers for incarcerated students

No other Arkansas state financial aid programs carry categorical barriers

17 Ark. Code Ann. § 6-85-206(8) (2018); and Ark. Admin. Code § 008-04-1 (2018) (repeating the statutory incarceration ban).

18 Ark. Code Ann. § 6-85-206(8) (2018); and Ark. Admin. Code § 008-04-1 (2018) (repeating the statutory incarceration ban).

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

20 Ibid.

for incarcerated students.²¹ The following are financial aid programs for which otherwise eligible incarcerated students may apply:

- > the Arkansas Workforce Challenge;²²
- > the Arkansas Future Grant (ArFuture);²³ and
- > the Arkansas Governor's Scholars Program.²⁴

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.²⁵

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.²⁶ Since there is no apparent barrier to incarcerated students applying for three 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/>.

21 Ark. Code Ann. § 6-82-1802 (2018); Ark. Admin. Code § 008.10.18.001-1 (2018); and Ark. Code Ann. §§ 6-85-304 and 6-82-306 (2018).

22 The Arkansas Workforce Challenge 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(b) (2018).

23 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.

24 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 (2018).

25 Ark. Code Ann. § 6-82-601 (2018) (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 (2018) (authorizing tuition waivers for certain disabled or deceased law enforcement officers or emergency personnel).

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

California financial aid for incarcerated students

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. For the 2017–2018 school year, California disbursed more than \$2 billion in Cal Grants to roughly 160,000 students.²⁷ 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. Currently, students in 32 out of 35 prisons in the state are able to access College Promise Grants to enroll in face-to-face courses offered by community colleges.²⁸

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;²⁹
- › Middle Class Scholarship Program;³⁰ and
- › Community College Completion Grant.³¹

27 California Legislative Analyst's Office, "Financial Aid: Cal Grant Spending," July 2017, <https://lao.ca.gov/Education/EdBudget/Details/65>; and California Student Aid Commission, "2017–18 Cal Grant Offered Awards," https://www.csac.ca.gov/sites/main/files/file-attachments/2017-18_cal_grant_program_offered_awardees.pdf.

28 Debbie Mukamal and Rebecca Silbert, *Don't Stop Now: California Leads the Nation in Using Public Higher Education to Address Mass Incarceration* (Stanford, CA: Corrections to College California, 2018), 7, <https://correctionstocollegeca.org/assets/general/dont-stop-now-report.pdf>.

29 Cal. Educ. Code § 69433.9(c) [2018].

30 Cal. Educ. Code § 70022(a)(2)(C) [2018].

31 Cal. Educ. Code § 88912(b)(3) [2018].

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);³²
- › Law Enforcement Personnel Dependents Grant Program;³³ and
- › California State Work-Study Program.³⁴

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>.

³² Cal. Educ. Code § 76300(g) (2018).

³³ Cal. Labor Code § 4709 (2018).

³⁴ Cal. Educ. Code § 69956 (2018).

Colorado financial aid for incarcerated students

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 federal Pell Grant eligibility requirements to be considered for state aid programs.³⁵ Therefore, students who are prevented from receiving Pell Grants because of the federal incarceration ban also are ineligible to receive aid from the state of Colorado.

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.³⁶ 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, law enforcement personnel, or firefighters.³⁷ Under Colorado laws and regulations, students are not required to be Pell-eligible to be considered for these financial aid programs.³⁸ A representative from CCHE confirmed that the state will only award financial assistance in the form of grants and work study to those students who meet Pell Grant requirements.³⁹ As

35 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.

36 Colo. Rev. Stat. § 23-3.5-103 [2017].

37 Colo. Rev. Stat. § 23-3.3-401 [2017]; and Colo. Rev. Stat. § 23-3.3-205 [2017].

38 Colo. Rev. Stat. § 23-3.3-102 [2017]; 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://highered.colorado.gov/Finance/FinancialAid/Policy/State-Funded-Student-Assistance-Programs-Guidelines-FY1718.pdf>.

39 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.

long as CCHE follows this interpretation and incarcerated students are not eligible for federal Pell Grants, they also will not be eligible for state financial aid in Colorado. This ban likely includes the remaining state financial assistance programs as well.

In 2018, the Colorado legislature eliminated the requirement that incarcerated students bear the costs of postsecondary education entirely themselves.⁴⁰ The Colorado Department of Higher Education has not yet determined if this legislation will be considered to trump the Pell eligibility requirements.⁴¹

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/Finance/FinancialAid/>.

⁴⁰ Colorado HB 18-1437 (2018), amending Colo. Rev. Stat. § 17-32-105 (2018), https://leg.colorado.gov/sites/default/files/2018a_1437_signed.pdf.

⁴¹ Email between Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, and Emily Burns, lead finance analyst, Colorado Department of Higher Education, February 15, 2019.

Connecticut financial aid for incarcerated students

Connecticut has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid.

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.⁴²

The state also offers education grants to children of veterans who were disabled or killed in the line of duty.⁴³ 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 23.⁴⁴ In addition, the state offers a similar program for students adopted from the Department of Children and Families.⁴⁵

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>.

⁴² 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 (2018).

⁴³ Conn. Gen. Stat. § 10a-166 (2018).

⁴⁴ 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/-/media/DCF/Policy/Chapters/28-1.pdf?la=en>.

⁴⁵ 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 financial aid for incarcerated students

Students with felony convictions on their records are not eligible for three of Delaware's scholarship programs, even after returning to the community. 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.⁴⁶ SEED Scholarships are only available to first-year postsecondary students entering full-time programs who attended a Delaware high school and meet grade point average (GPA) requirements.⁴⁷ The scholarships cover undergraduate tuition for students admitted to Delaware Technical Community College and the University of Delaware Associate in Arts Program.⁴⁸

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.⁴⁹ In contrast to bans linked to federal Pell Grant eligibility, which generally lift as soon as incarcerated students return to their communities, Delaware students who have been convicted of a felony are permanently ineligible for these three programs.⁵⁰

⁴⁶ Del. Code Ann. tit. 14 § 3404A(a)(2) [2018].

⁴⁷ Del. Code Ann. tit. 14 § 3404A(a)(4) [2018].

⁴⁸ Del. Code Ann. tit. 14 § 3401A(a) [2018].

⁴⁹ Del. Code Ann. tit. 14 §§ 3409A and 3412A(2) [2018]; and Delaware HB 326 [2018] (to be codified as Del. Code Ann. tit. 14 § 3424A(2)).

⁵⁰ Compare 20 U.S.C. § 1070a(b)(6) [2012] and Del. Code Ann. tit. 14 § 3404A(a)(2) [2018].

Financial aid programs without barriers for incarcerated students

The Delaware Higher Education Office administers 13 scholarships for Delaware residents, none of which have statutory barriers for incarcerated students or students who have a felony conviction.⁵¹ The Scholarship Incentive Program provides scholarships to students enrolled in full-time graduate and undergraduate programs in the state.⁵² In addition, Delaware offers a number of professional incentive scholarships without statutory barriers for incarcerated students.⁵³ These scholarships provide aid to students who are studying to enter fields such as teaching, nursing, speech/language pathology, library studies, and optometry.⁵⁴ 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.⁵⁵

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.⁵⁶ In addition, students who are children of qualifying veterans, state police officers, and 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.⁵⁷

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

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

52 Del. Code Ann. tit. 14 § 3413 (2018). 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.

53 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) (2018).

54 Del. Code Ann. tit. 14 §§ 3416-3424 (2018). These scholarships are generally merit-based.

55 Del. Code Ann. tit. 14 §§ 3440-3444 (2018). 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) (2018).

56 Del. Code Ann. tit. 14 § 3445 (2018). There is no statutory requirement that students be enrolled full-time to be eligible.

57 Del. Code Ann. tit. 14 §§ 3452 and 3455 (2018).

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 for incarcerated students

The District of Columbia has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid.

Financial aid programs without barriers for incarcerated students

The District of Columbia has one financial aid program, the DC Tuition Assistance Grant. This 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.⁵⁸

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>.

⁵⁸ D.C. Code § 38-2702 (2018). Students are eligible for this tuition assistance if they begin their studies within three years after receiving their high school credential or the equivalent.

Florida financial aid for incarcerated students

The state of Florida operates many different state-funded financial aid programs. Each program carries separate statutory and regulatory eligibility requirements.⁵⁹ 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 grant, by which the state awarded \$519 million dollars in scholarships during the 2018–2019 school year.⁶⁰

Financial aid programs with statutory and regulatory barriers for incarcerated students

The Florida Bright Futures Grant, which awards merit-based aid covering up to 100 percent of tuition costs as well as some educational expenses, has a statutory conviction ban.⁶¹ 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 grant unless they have been granted clemency by the governor.⁶²

59 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>.

60 For funding for the Florida Bright Futures Scholarship, see Florida HB 5001, FY 2018–19 General Appropriations Act (2018), http://laws.flrules.org/files/Ch_2018_009.pdf.

61 Fla. Stat. ch. 1009.531(e) (2018); and Fla. Admin. Code Ann. r. § 6A-20.028(3)(b) (2016).

62 Fla. Stat. ch. 1009.531(e) (2018). 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 Grant carries a categorical barrier for incarcerated students or those with felony convictions.⁶³ The following are financial aid programs for which otherwise eligible incarcerated students may apply:

- › Access to Better Learning and Education Grant;⁶⁴
- › First Generation Matching Grant Program;⁶⁵
- › Florida Effective Access to Student Education Program;⁶⁶
- › Florida Farmworker Student Scholarship Program;⁶⁷
- › Florida Student Assistance Grant;⁶⁸
- › Florida Work Experience Program;⁶⁹ and
- › Scholarships for Children and Spouses of Deceased/Disabled Veterans.⁷⁰

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.⁷¹

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

63 See Fla. Stat. ch. 1009.50-1009.894 (2018); and Fla. Admin. Code Ann. r. § 6A-20 (2018) (Student Financial Assistance). The majority of these programs use the baseline requirements set forth by statute for all financial aid programs. Fla Stat. ch. 1009.40 (2018).

64 Fla. Stat. ch. 1009.891 (2018).

65 Fla. Stat. ch. 1009.701 (2018).

66 Fla. Stat. ch. 1009.89 (2018).

67 Fla. Stat. ch. 1009.894 (2018).

68 Fla. Stat. ch. 1009.50-1009.52 (2018). See also Fla. Board of Ed. Rules 6A-20.031–6A-20.033 (2018).

69 The requirements for the Florida Work Experience Program grant, available to farmworkers and their children, may pose additional challenges for incarcerated students. Students cannot have had any disciplinary actions on their high school transcripts and must be enrolled in a minimum of 12 credits. Fla. Stat. ch. 1009.84 (2018).

70 Fla. Stat. ch. 295.01 (2018); Fla. Stat. ch. 295.015 (2018); and Fla. Board of Ed. Rules 6A-20.019 (2018).

71 Fla. Stat. ch. 1009.25 (2018).

Georgia financial aid for incarcerated students

Students who are incarcerated are not eligible for state financial aid in Georgia.⁷² In addition, two scholarships are permanently unavailable to students who have been convicted of felonies involving certain controlled substances.

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.⁷³

In addition, two state scholarship programs permanently disqualify students with any of the above drug felony convictions: the HOPE Scholarship and the Realizing Educational Achievement Can Happen (REACH) Scholarship.⁷⁴ Students who are currently incarcerated are also barred from these two programs by statute.⁷⁵ In contrast to the federal Pell ban, which generally lifts as soon as incarcerated students return to their communities,

⁷² Ga. Code Ann. § 20-3-519.1(6) (2017).

⁷³ Ga. Code Ann. §§ 20-1-20 et seq. (2017).

⁷⁴ The HOPE Scholarship is a merit-based award with specific academic and GPA requirements. Ga. Code Ann. § 20-3-519.1(b)(5) (2017); and Georgia Student Finance Commission (GSFC), *HOPE Scholarship Program at Public Institutions Regulations – 100* (Tucker, GA: GSFC, 2018), § 104.7, <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-HOPE%20Scholarship%20Public.pdf>. The REACH scholarship is awarded to graduating middle school students, who receive academic supporting and mentoring, as well as a \$10,000 scholarship, to fund up to four years of secondary education. GSFC, *Realizing Educational Achievement Can Happen Scholarship, Regulations – 5200* (Tucker, GA: GSFC, 2018), § 5207.8, <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-REACH.pdf>.

⁷⁵ GSFC, *Hope*, 2018, § 104.8; and GSFC, *REACH*, 2018, § 5207.8.

students who have been incarcerated are permanently barred from the REACH (but not HOPE) program.⁷⁶

Financial aid programs with barriers for incarcerated students

There is a general statutory barrier preventing incarcerated students from receiving funds from any of Georgia's student financial aid programs.⁷⁷ On rejoining the community, students may apply to the following programs if they meet the eligibility requirement of the specific grant:

- › Georgia Military College State Service Scholarship;⁷⁸
- › Georgia Public Safety Memorial Grant for children for Georgia residents who are dependent children of Georgia public safety officers;⁷⁹
- › Tuition Equalization Grant;⁸⁰ and
- › the Georgia Helping Educate Reservists and Their Offspring Program.⁸¹

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/>.

76 Compare 20 U.S.C. § 1070a(b)(6) (2012) (Pell Grants); GSFC, *Hope*, 2018, § 104.8; and GSFC, *REACH*, 2018, § 5207.8.

77 In addition to the general statutory barrier codified in Ga. Code Ann. § 20-3-519.1(6) (2017), 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.

78 GSFC, *Georgia Military State Service Scholarship Program, Regulations – 3200* (Tucker, GA: GSFC, 2018), § 3204.8, https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2018-GMC%20State%20Scholarship_0.pdf.

79 GSFC, *Georgia Public Safety Memorial Grant Program, Regulations – 1200* (Tucker, GA: GSFC, 2018), § 1204.8, <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-Public%20Safety%20Memorial%20Grant.pdf>.

80 GSFC, *Tuition Equalization Grant, Regulations – 600* (Tucker, GA: GSFC, 2018), § 604.8 (2018), <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-TEG%201.pdf>.

81 GSFC, *Georgia HERO Scholarship Program Regulation, Regulations – 800* (Tucker, GA: GSFC, 2018), § 804.8 <https://gsfc.georgia.gov/sites/gsfcc.georgia.gov/files/2019-HERO.pdf>.

Hawaii financial aid for incarcerated students

Hawaii has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state financial aid.

Financial aid programs with no barriers for incarcerated students

Hawaii provides financial assistance funds to the 10 colleges and universities that comprise the state's higher education system, the University of Hawaii System, which are then distributed through various programs managed by the Board of Regents.⁸² These programs include:

- › Hawaii Opportunity Program In Education (HOPE);⁸³
- › Hawaii state scholars program;⁸⁴
- › Workforce Development scholarship program;⁸⁵ and
- › Hawaii Community College Promise program.⁸⁶

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

82 Haw. Rev. Stat. § 305J-4 (2018); and Haw. Rev. Stat. § 304A-501 (2018).

83 Haw. Rev. Stat. § 304A-503 (2018).

84 Haw. Rev. Stat. § 304A-504 (2018).

85 Haw. Rev. Stat. § 304A-505 (2018).

86 Haw. Rev. Stat. § 304A-506 (2018).

Idaho financial aid for incarcerated students

Idaho has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive 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;⁸⁷
- › Idaho Opportunity Scholarship for Adult Learners;⁸⁸ and
- › Armed Forces and Public Safety Office Scholarship.⁸⁹

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/>.

⁸⁷ Idaho Code § 33-4303 (2016). The program provides scholarships for eligible students selected based on financial need and merit criteria. Students may be eligible if they aged out of Iowa's foster care system, are children of deceased public safety workers, participated in federal TRiO programs, graduated from alternative high school programs, or participated in the federal Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program.

⁸⁸ Idaho Code § 33-4303(6) (2016). 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 towards a postsecondary degree and seek to finish their degree.

⁸⁹ Idaho Code § 33-4302 (2016). 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) (2016).

Illinois financial aid for incarcerated students

Students who are incarcerated are not eligible for the majority of the state financial aid programs in Illinois, unless they are military veterans. Illinois limits the application of its financial aid to “qualified institutions”—rather than qualifying individuals—and excludes programs operated for the benefit of incarcerated students even if they are run by otherwise eligible institutions.⁹⁰

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.⁹¹ The following is a list of state aid programs with barriers for incarcerated students:

- › Illinois Monetary Award Program;
- › Illinois Merit Recognition Scholarship Program; and
- › Silas Purnell Illinois Incentive for Access Grant program.⁹²

⁹⁰ By definition, these programs are excluded from qualification even if they are run by an institution at which other students may apply state financial aid: “For otherwise eligible educational organizations that 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 (2018).

⁹¹ Ibid.

⁹² The MAP scholarship is for students who without financial assistance would be deterred from attending an educational program. 110 Ill. Comp. Stat. 947/35 (2018). The Merit Recognition Scholarship is for students who have an accumulated high school grade point average above the 95th percentile. 110 Ill. Comp. Stat. 947/31 (2018). The Silas Purnell Incentive for Access program is for students enrolled in private postsecondary institutions who without financial assistance would be deterred from attending such programs. 110 Ill. Comp. Stat. 947/36 (2018).

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.⁹³ Therefore, IVG and ING grants are available to incarcerated students provided all other eligibility qualifications are met.

In addition, the state offers tuition waivers for current and former foster care students, which may be available to some incarcerated students.⁹⁴

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/>.

⁹³ See for example 110 Ill. Comp. Stat. 947/40(a)(1)(C) (2018). 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 (2018). 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 (2018).

⁹⁴ 20 Ill. Comp. Stat. 505/8 (2018). 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 (2018).

Indiana financial aid for incarcerated students

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 meet federal financial aid eligibility requirements to be considered for state aid.⁹⁵ Therefore, it is unlikely that incarcerated students will receive any type 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.⁹⁶ 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.⁹⁷ 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.⁹⁸ 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 21st Century Scholarship Program.⁹⁹ Students apply for the program in middle school and become ineligible for scholarship funds if they commit a

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

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

97 Ind. Code § 21-12-3-13 (2018). Individuals incarcerated for a misdemeanor are still eligible for a grant.

98 Ind. Code § 21-12-4-2 (2018); and telephone interview by Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, with the Indiana Commission for Higher Education on June 18, 2019.

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

crime or illegally use controlled substances.¹⁰⁰ It is likely that any currently incarcerated former recipients of the 21st 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 are not eligible for federal Pell Grants are not eligible for any state funding.¹⁰¹ Thus, even though there are no explicit statutory, regulatory, or policy barriers for incarcerated students, these students likely will not be considered for the following state financial aid programs:

- › Adult Student Grant Program;¹⁰²
- › Workforce Ready Program;¹⁰³ and
- › Employment Aid Readiness Network (EARN) Indiana (work-study program).¹⁰⁴

Incarcerated students are, however, eligible for tuition waivers for the children 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.¹⁰⁵

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/>.

100 Ind. Code §§ 21-12-6-5(a)(4) and 21-12-6-6(a)(5) (2018).

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

102 Ind. Code § 21-12-8-3 (2018).

103 Ind. Code § 21-12-8-9 (2018).

104 Ind. Code § 21-16-1-8 (2018).

105 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 (2018); for children of veterans, including deceased veterans, at Ind. Code §§ 21-14-4-1 through 2.5 (2018); for senior citizens at Ind. Code § 21-14-5-2 (2018); for children and spouses of deceased law enforcement personnel at Ind. Code § 21-14-6-2 (2018); and for children and spouses of National Guard members killed on active duty at Ind. Code § 21-14-7-4 (2018).

Iowa financial aid for incarcerated students

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 “develop 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.”¹⁰⁶

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;¹⁰⁷
- › Iowa Vocational–Technical Tuition Grant ;¹⁰⁸
- › Iowa National Guard Educational Assistance Grant;¹⁰⁹
- › Future Ready Iowa Grant;¹¹⁰
- › Governor Terry E. Branstad Iowa State Fair Scholarship;¹¹¹ and
- › Robert D. Blue Scholarship.¹¹²

106 Iowa Code § 261.2(5) [2018].

107 Iowa Code § 261.12 [2018].

108 Iowa Code § 261.17 [2018].

109 Iowa Code § 261.86 [2018].

110 Iowa House File 2458 [2018], to be codified at Iowa Code § 15.C1.

111 Iowa Code § 261.62 [2018].

112 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>.

For up-to-date information and contacts for Iowa state financial aid, visit Iowa College Aid at <https://www.iowacollegeaid.gov/ScholarshipsAndGrants>.

Kansas financial aid for incarcerated students

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 federal Pell Grant eligibility requirements before receiving state aid.¹¹³ Therefore, students who are prevented from receiving Pell Grants because of the federal incarceration ban also are de facto ineligible to receive aid from the state of Kansas.

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.¹¹⁴ Under Kansas's laws and regulations, students are not required to be Pell-eligible to be considered for state financial aid.¹¹⁵ A representative from the Kansas Department of Corrections confirmed, however, that the state will only award state financial aid to those students who meet Pell Grant requirements.¹¹⁶ As long as the Board of Regents follows this interpretation and incarcerated students

113 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.

114 Kansas Board of Regents, "Student Financial Aid," https://www.kansasregents.org/students/student_financial_aid.

115 The Board of Regents is established by Kan. Stat. Ann. § 74-3202a (2018), and administers state financial aid programs as authorized by Kan. Stat. Ann. §§ 74-3201a, 74-3202c(b), 74-3233, and 74-3234 (2018). 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, *2018–19 Financial Aid Sources for Kansas Students* (Topeka, KS: Kansas Board of Regents, 2018), https://www.kansasregents.org/resources/PDF/Students/Student_Financial_Aid/StApp1819.pdf.

116 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.

are not eligible for federal Pell Grants, they also will not be eligible for state financial aid in Kansas.

The practice barrier applies to the following programs:

- > Kansas Comprehensive Grant Program;
- > Kansas Career Technical Workforce Grant;
- > Kansas Ethnic Minority Scholarship;
- > Kansas State Scholarship;
- > Kansas Career Work Study; and
- > Kansas Distinguished Scholarship Program.¹¹⁷

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 16th birthday.¹¹⁸ 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.

¹¹⁷ Kansas Board of Regents, *2018–19 Financial Aid*, 2018.

¹¹⁸ Kan. Stat. Ann. §74-32,161 (2018). Students must also be under the age of 21 and within two years of obtaining their high school credentials to qualify for the waiver, which applies to a maximum of eight semesters.

Kentucky financial aid for incarcerated students

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 only be awarded to incarcerated students after all funds have been distributed to otherwise eligible nonincarcerated students.

Financial aid programs with statutory barriers for incarcerated students

Kentucky's 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.¹¹⁹ In addition, otherwise eligible students who have been sentenced under the state's youthful offender statute are barred from receiving tuition waivers for qualifying foster care and adopted students.¹²⁰

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

119 Ky. Rev. Stat. Ann. §§ 164.7871 et seq. [2018]; and Ky. Rev. Stat. Ann. § 164.7874(7)(d) [2018].

120 Ky. Rev. Stat. Ann. § 164.2847(2)(a) [2018].

funding to students who are “inmates” or incarcerated in prisons.¹²¹

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

- › College Access Program;¹²²
- › Kentucky Tuition Grant;¹²³ and
- › Kentucky Coal County College Completion Scholarship.¹²⁴

Given current funding levels for state financial aid in Kentucky, it is highly unlikely that otherwise eligible incarcerated students will receive any state financial aid: during the 2016–2017 school year, Kentucky did not fund 38 percent of nonincarcerated students eligible for College Access Program grants, the state’s main financial aid program.¹²⁵

Incarcerated students are also eligible for tuition waivers designated for the survivors of deceased law enforcement personnel, firefighters, and other state-administered retirement system personnel who died as a result of job-related injuries.¹²⁶

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>.

121 Ky. Rev. Stat. Ann. § 164.767 (2018).

122 Ky. Rev. Stat. Ann. § 164.7535 (2018).

123 The Kentucky Tuition Grant is administered by the Kentucky Higher Education Assistance Authority (KHEAA) as authorized by Ky. Rev. Stat. Ann. § 164.172 (2018). See also KHEAA, “KHEAA-Administered Programs: Kentucky Tuition Grant,” <https://www.kheaa.com/website/kheaa/ktg?main=2>.

124 Ky. Rev. Stat. Ann. § 164.7894 (2018).

125 Meredith Kolodner, “Eligible for Financial Aid, Nearly a Million Students Never Get It,” Hechinger Report (May 23, 2018), <https://hechingerreport.org/eligible-for-financial-aid-almost-one-third-of-students-never-get-it>.

126 Ky. Rev. Stat. Ann. § 164.2841 (2018).

Louisiana financial aid for incarcerated students

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. Students who are incarcerated may also have trouble qualifying for need-based grants, which generally require students to be Pell Grant recipients. Incarcerated students may be 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.¹²⁷ This program includes four awards: the TOPS Honor Award, TOPS Performance, TOPS Opportunity, and TOPS Tech.¹²⁸ Eligibility for each award depends on the student's GPA and American College Test (ACT) score.¹²⁹

In addition to the TOPS programs, need-based aid in Louisiana is distributed through the GO Grant.¹³⁰ 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 federal Pell Grants or other institutional aid before a GO Grant will be awarded.¹³¹ The Louisiana Office of Student Financial Assistance has released a policy statement specifically limiting the award of GO Grants to those students also receiving Pell funding.¹³² Therefore, it is very likely that incarcerated

127 La. Rev. Stat. Ann. § 17:5028 (2018).

128 La. Rev. Stat. Ann. § 17:5002 (2018).

129 La. Rev. Stat. Ann. § 17:5024 (2018).

130 La. Rev. Stat. Ann. § 17:3046 (2018).

131 La. Rev. Stat. Ann. § 17:3046.1 (2018).

132 Louisiana Student Financial Assistance Commission: Office of Student Financial Aid (LSFAC), *Student Financial Aid Bulletin S2013-01* (Baton Rouge, LA: LSFAC, January 29, 2013),

students, who are banned from receiving Pell funding by statute, are not eligible for this program either.¹³³

Financial aid programs without barriers for incarcerated students

Incarcerated students are eligible for any applicable tuition waivers, including waivers for children of certain state employees or military personnel who have been killed or disabled in the performance of their duties.¹³⁴

Students under 25 years old who were in foster care for at least nine of the 24 months before their 18th birthday are also eligible for tuition waivers.¹³⁵

For up-to-date information and contacts for Louisiana state financial aid, visit the Louisiana Office of Student Financial Assistance at https://www.osfa.la.gov/finaid_link_main.html.

<https://www.osfa.la.gov/MainSitePDFs/S2013-01.pdf>.

¹³³ 20 U.S.C. § 1070a(b)(6) (2018).

¹³⁴ La. Stat. Ann. § 17:1681-1686 (2018).

¹³⁵ La. Stat. Ann. § 17:1687 (2018).

Maine financial aid for incarcerated students

Maine has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid.

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;¹³⁶
- › tuition waivers for children of firefighters, law enforcement officers, or emergency medical personnel;¹³⁷ and
- › foster care tuition waivers.¹³⁸

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/>.

¹³⁶ Me. Rev. Stat. Ann. tit. 20-A § 11612 (2018).

¹³⁷ Me. Rev. Stat. Ann. tit. 20-A § 12553 (2018). 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.

¹³⁸ Me. Rev. Stat. Ann. tit. 20-A § 12572 (2018). 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 financial aid for incarcerated students

Maryland has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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 Programs of Educational Excellence Awards;¹³⁹
- › 2+2 Transfer Scholarship;¹⁴⁰
- › Part-Time Grant;¹⁴¹
- › graduate and professional scholarship programs;¹⁴²
- › Maryland Community College Promise Scholarship;¹⁴³
- › Near Completer Grant;¹⁴⁴
- › Edward T. and Mary A. Conroy Memorial Scholarship Program & Jean B. Cryor Memorial Scholarship Program;¹⁴⁵
- › Veterans of Afghanistan and Iraq Conflicts (VAIC) Scholarship Program;¹⁴⁶
- › scholarship for children and spouses of certain veterans, law

¹³⁹ Md. Code Ann. Educ. § 18-303(a) (2017).

¹⁴⁰ Md. Code Ann. Educ. § 18-2503 (2017).

¹⁴¹ Md. Code Ann. Educ. § 18-1401 (2017).

¹⁴² Md. Code Ann. Educ. § 18-2601 (2017).

¹⁴³ Maryland HB 16 (2018). Signed into law May 8, 2018.

¹⁴⁴ *Ibid.*

¹⁴⁵ Md. Regs. Code tit. 13B § 08.13 (2017). 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 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.

¹⁴⁶ Md. Code Ann. Educ. § 18-604 (2017).

enforcement, corrections officers, National Guard, firefighters, or rescue workers;¹⁴⁷

- > Tuition Waiver for Foster Care Recipients;¹⁴⁸
- > Tuition Waiver for Unaccompanied Homeless Youth;¹⁴⁹ and
- > Tuition Waiver for Students with Disabilities Receiving SSI or SSDI.¹⁵⁰

In addition, Maryland offers a number of career- and occupation-based grant programs.¹⁵¹ 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.¹⁵²

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>.

¹⁴⁷ Md. Code Ann. Educ. § 18-602 (2017). This scholarship is for children of volunteer firefighters or volunteer ambulance or rescue squad workers killed in the line of duty.

¹⁴⁸ Md. Code Ann. Educ. § 15-106.1 (2017).

¹⁴⁹ Md. Code Ann. Educ. § 15-106.1 (2017).

¹⁵⁰ Md. Code Ann. Educ. § 16-319 (2017). For more information on disability waivers, see Maryland Higher Education Commission, “Community College Tuition Waiver for Students with Disabilities Receiving SSI or SSDI,” https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog_disabilities.aspx.

¹⁵¹ Maryland Higher Education Commission, “State Financial Assistance Programs & Applications: Career/Occupation-Based Grants & Scholarships,” <https://mhec.maryland.gov/preparing/Pages/FinancialAid/descriptions.aspx>.

¹⁵² Maryland Higher Education Commission, “Annual Service Obligations,” https://mhec.maryland.gov/preparing/Pages/FinancialAid/ProgramDescriptions/prog_service.aspx.

Massachusetts financial aid for incarcerated students

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.¹⁵³

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.¹⁵⁴ 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.”¹⁵⁵ Under these guidelines, not only are currently incarcerated students ineligible for state financial aid, the barrier extends beyond their return to the community.

In contrast, the 2017–2018 guidance for the MASSGrant, the state's main financial aid program, requires only that students be eligible for Title

153 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>.

154 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).

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

IV federal aid in order to receive Massachusetts state aid.¹⁵⁶ This requirement creates an ambiguity for incarcerated students, who are banned from receiving Pell Grants under Title IV, but are still eligible to receive Title IV Federal Supplemental Educational Opportunity Grants.¹⁵⁷ 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.¹⁵⁸ Robert Brun, the associate commissioner of student financial assistance, declined to state definitively whether the Office of Student Financial Assistance serves incarcerated students or to comment on the conflict between official financial aid program guidelines and the *Attestation Guide*.¹⁵⁹

Most of Massachusetts's need-based financial aid is administered by the Board of Higher Education.¹⁶⁰ Massachusetts operates the following financial aid programs:

- › MASSGrant and MASSGrant Plus;¹⁶¹
- › Massachusetts Gilbert Matching Grant;¹⁶²
- › Massachusetts Cash Grant;¹⁶³
- › Massachusetts Part-Time Grant;¹⁶⁴
- › Career Advancement Program Tuition Waiver;¹⁶⁵

156 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>.

157 Compare 20 U.S.C. § 1070a(b)(6) (2012) [Pell Grant] and 20 U.S.C. § 1070b-2 (2012) [eligibility to receive Federal Supplemental Educational Opportunity Grants].

158 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>.

159 Telephone interview by Evan Pelz, associate, Clifford Chance US LLP, with Robert Brun, associate commissioner of student financial assistance, Massachusetts Board of Higher Education, February 6, 2018.

160 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.

161 MassOSFA, “MASSGrant & MASSGrant Plus,” <https://www.mass.edu/osfa/programs/massgrant.asp>.

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

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

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

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

- > Department of Children and Families (DCF) Foster Care Tuition Waiver & Adopted Children Tuition Waiver;¹⁶⁶
- > MASSTransfer Tuition Waiver;¹⁶⁷
- > Categorical Tuition Waiver for veterans, Native Americans, armed forces, and the blind;¹⁶⁸
- > tuition waiver for surviving children of active military personnel (including National Guard) killed in the line of duty;¹⁶⁹
- > Need-based Tuition Waiver;¹⁷⁰ and
- > September 11, 2001, Tragedy Tuition Waiver.¹⁷¹

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>.

166 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>.

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

168 MassOSFA, “Categorical Tuition Waiver,” <https://www.mass.edu/osfa/programs/categorical.asp>.

169 Mass. Gen. Laws ch. 15A § 19 ½ (2018).

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

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

Michigan financial aid for incarcerated students

The majority of state financial aid programs in Michigan are not available to students who are currently incarcerated in a corrections institution. This includes the state's three largest financial aid programs: the Tuition Incentive Program, the Michigan Tuition Grant, and the Michigan Competitive Scholarship.¹⁷² 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.

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;
- › Tuition Incentive Program;
- › Michigan Competitive Scholarship; and
- › Michigan Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).¹⁷³

¹⁷² These three programs provided more than \$130,000,000 in state financial aid for the 2018–2019 academic year. See MI Student Aid, “Funding and Annual Report: Current Fiscal Year Funding – October 1 through September 30 [Academic Year 2018–19],” <https://www.michigan.gov/mistudentaid/0,4636,7-372--471114--,00.html>.

¹⁷³ This list is limited to programs that were funded for the 2018–2019 school year. See MI Student Aid, “Annual Report,” 2018. For statutorily enacted programs, see Mich. Comp. Laws §§ 390.993 [Tuition Grants]; 388.1856 [Tuition Incentive Program]; and 390.974 [State Competitive Scholarships; eligibility of applicant] [2018]. 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 has determined that incarcerated students are not eligible for this program. MI Student Aid, *Michigan GEAR UP: 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. It is

In addition, the Children of Veterans Tuition Grant requires that students have not been convicted of a felony involving assault, physical injury, or death.¹⁷⁴ Therefore, some incarcerated students with violent felony convictions will be ineligible for this grant.

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.¹⁷⁵ Eligible incarcerated students may apply for grants dedicated to children of qualifying disabled or deceased veterans, firefighters, and police officers.¹⁷⁶ The state also offers a scholarship for students who were in Michigan's foster care system after their 13th birthdays and a waiver for American Indians.¹⁷⁷ 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.¹⁷⁸

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>.

unclear whether this is a federally imposed requirement or one that originated at the state level.

174 Mich. Comp. Laws § 390.1344(h) (2017).

175 However, in a telephone interview by Zal Shroff, Clifford Chance legal fellow, Vera Institute of Justice, with the Michigan Student Aid Office on December 26, 2017, a representative stated that eligibility requirements for the various state aid programs are uniform, even if the listed guidelines differ or fail to mention a restriction. According to this representative, therefore, the office would not consider incarcerated students eligible for any student aid programs.

176 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).

177 Tuition is waived for “North American Indians” under Mich. Comp. Laws § 390.1251 (2017). Scholarship eligibility for students who have been in foster care is established under Mich. Comp. Laws § 722.1027b (2017).

178 2018 Mich. Pub. Acts 227 and 297a (Michigan SB 941).

Minnesota financial aid for incarcerated students

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.¹⁷⁹

Financial aid programs without barriers for incarcerated students

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

- › Minnesota State Grant;¹⁸⁰
- › Minnesota Indian Scholarship;¹⁸¹
- › Public Safety Officer Survivor Grant;¹⁸² and
- › Grants for Students with Intellectual and Developmental Disabilities.¹⁸³

In addition to the grants listed above, Minnesota is currently piloting the MN Reconnect Program, which provides funding for students returning to college after an absence of two or more years.¹⁸⁴ This program is not currently funded by the legislature, but instead by grants from the Lumina Foundation and State Higher Education Executive's Office.¹⁸⁵ The

179 Minn. Stat. § 136A.121(6)(c) [2018].

180 Minn. Stat. § 136A.121 [2018].

181 Minn. Stat. § 136A.126 [2018].

182 Minn. Stat. § 299A.45 [2018].

183 Minn. Stat. § 136A.1215 [2018].

184 2019 Minn. Laws ch. 64 [SF 2415], <https://www.revisor.mn.gov/laws/2019/0/Session+Law/Chapter/64/>.

185 Minnesota Office of Higher Education, "MN Reconnect Pilot Program,"

<https://www.ohe.state.mn.us/mPg.cfm?pageID=2313>.

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.¹⁸⁶

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>.

186 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>.

Mississippi financial aid for incarcerated students

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.¹⁸⁷ Unlike the Pell ban, which lifts when incarcerated students return to the community, incarcerated students are not eligible for HELP grants post-release.¹⁸⁸ The two financial aid programs administered by the Mississippi Postsecondary 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.¹⁸⁹ Students with criminal records are not eligible for these scholarships.¹⁹⁰ 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.

Financial aid programs without barriers for incarcerated students

Neither the Mississippi Resident Tuition Assistance Grant Program nor the Mississippi Eminent Scholars Grant explicitly excludes incarcerated students

187 Miss. Code Ann. § 37-106-75(3)(e) (2018).

188 20 U.S.C. § 1070a(b)(6) (2012).

189 Miss. Code Ann. §§ 37-106-75(3) and 37-106-75(4) (2018).

190 Miss. Code Ann. § 37-106-75(3)(e) (2018).

from eligibility.¹⁹¹ 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.¹⁹²

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/>.

191 The Eminent Scholars Grant Program is established in Miss Code Ann. § 37-106-31 (2018) and regulated under Miss. Admin. Code § 10.613 (2018). The Mississippi Resident Tuition Assistance Grant Program is established in Miss. Admin. Code § 10.611 (2018).

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

Missouri financial aid for incarcerated students

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 programs, although there is no explicit statute or regulation prohibiting eligibility.¹⁹³

The Coordinating Board of the Missouri Department of Higher Education approved a three-phase plan aimed at improving the state financial aid system in 2018.¹⁹⁴ 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 2018.¹⁹⁵ The implementation phase (Phase 3) was scheduled to begin in early 2019.¹⁹⁶ This program could result in changes to eligibility criteria and the scope of the currently existing financial aid programs.

Financial aid programs with potential barriers for incarcerated students

Missouri's A+ Scholarship awards financial aid to eligible students who

193 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.

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

195 Ibid.

196 Ibid.

graduate from A+ designated high schools.¹⁹⁷ The agency regulations require that students be eligible for federal Title IV financial aid to be considered for the state scholarship.¹⁹⁸ Incarcerated students are eligible for some Title IV programs, but not others, and so their eligibility for A+ Scholarships is unclear.¹⁹⁹

Three of Missouri's other 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.²⁰⁰ Students who are convicted of any offense involving the possession or sale of a controlled substance while receiving federal aid are barred from Title IV aid for a period of time that depends on the type and number of offenses committed.²⁰¹ The Missouri Department of Higher Education interprets this statutory ban to also extend the Pell ban to Missouri's financial aid programs, making students who are incarcerated in federal and state prisons ineligible for state and federal aid.²⁰² A narrower interpretation of Missouri's statute would only bar students who were convicted of drug-related offenses while receiving federal financial aid. The affected programs are:

- › Access Missouri Financial Assistance Program;²⁰³
- › Bright Flight Scholarship/Higher Education Academic Scholarship

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

198 Mo. Code Regs. Ann. tit. 6 §10-2.190(3)(A)(12) [2018].

199 Incarcerated students are banned from receiving Pell Grants under Title IV. See 20 U.S.C. § 1070a(b)(6) [2012]. But incarcerated students are eligible to receive Title IV Federal Supplemental Educational Opportunity Grants and Work Study programs. 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).

200 Mo. Rev. Stat. § 173.1104.2 [2018]. 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 [2018] serves as its replacement.

201 20 U.S.C. § 1091(r)(1)-(2).

202 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.

203 Access Missouri provides need-based financial aid to students enrolled in full-time undergraduate programs. Mo. Code Regs. Ann. tit. 6 § 10-2.150 [2018]. Eligibility is governed by Mo. Rev. Stat. § 173.1104 [2018]. See also Missouri Department of Higher Education, "Access Missouri Financial Assistance Program," <https://dhe.mo.gov/ppc/grants/accessmo.php>.

- Program;²⁰⁴ and
- › Marguerite Ross Barnett Memorial Scholarship.²⁰⁵

In addition, Missouri’s National Guard Member Educational Assistance Program 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.”²⁰⁶

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.²⁰⁷ 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.²⁰⁸

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/>.

204 The Bright Flight Program is a merit-based scholarship for students who perform exceptionally well on the ACT. Mo. Rev. Stat. § 173.250 [2018]. Eligibility is governed by Mo. Code Regs. Ann. tit. 6 § 10-2.080[2](a)[3] (referencing Mo. Rev. Stat. § 173.1104 [2018]). See also Missouri Department of Higher Education, “Bright Flight Program,” <https://dhe.mo.gov/ppc/grants/brightflight.php>.

205 The Marguerite Ross Barnett Memorial Scholarship provides funds for part-time students who are currently employed 20 hours or more per week, Mo. Rev. Stat. § 173.262 [2018]. Eligibility is governed by Mo. Code Regs. Ann. tit. 6 § 10-2.080[2](a)[3] [2018] (referencing Mo. Rev. Stat. § 173.1104 [2018]). See also Missouri Department of Higher Education, “Ross Barnett Scholarship,” <https://dhe.mo.gov/ppc/grants/rossbarnett.php>.

206 Mo. Code Regs. Ann. tit. 11 § 10-3.015[2](B)[6] [2018].

207 Mo. Rev. Stat. § 173.1350 [2018].

208 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] [2018]. 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 community service hours. Students must apply for, but are not required to be awarded, a Pell Grant. Mo. Rev. Stat. § 173.270 [2018].

Montana financial aid for incarcerated students

Incarcerated students in Montana are not eligible for two of the state's financial aid programs, neither of which was funded by the state in 2018. There are a number of other state scholarships for which otherwise eligible incarcerated students may apply.

Financial aid programs with statutory barriers for incarcerated students

The following Montana state financial aid programs include an explicit statutory ban on awarding aid to students currently incarcerated in jails or prisons:

- › Governor's Postsecondary Scholarship Program (unfunded in 2018); and
- › Montana STEM Scholarship (unfunded in 2018).²⁰⁹

Financial aid programs without barriers for incarcerated students

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

²⁰⁹ The Governor's Scholarship Program provides need- and merit-based scholarships towards the cost of attendance of two- and four-year postsecondary institutions. Mont. Code Ann. § 20-26-602 (2017). Although incarcerated students are not eligible for the grant, on returning to the community credits earned by students while incarcerated may be counted towards eligibility in the program with the Board of Education's approval. Mont. Code Ann. § 20-26-605(10)(d) (2017). 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 (2017). Eligibility is governed by Mont. Code Ann. § 20-26-615 and § 20-26-623 (2017). Students must complete and submit a FAFSA to be eligible.

- > Montana Promise Grant Program;
- > Montana University System Honor Scholarship; and
- > 2 Plus 2 Honor Scholarship.²¹⁰

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.²¹¹

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.²¹² 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.²¹³

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.

210 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.asp. 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 501.1—Montana University System, Honor Scholarships* (adopted October 28, 1977; rev. Dec. 15, 2012), <https://mus.edu/borpol/bor500/501-1.pdf>.

211 Mont. Code Ann. § 20-25-421(2) (2017); and Montana Board of Regents of Higher Education, Policy 940.13—Tuition Waivers and Discounts (July 13, 2018), <https://mus.edu/borpol/bor900/940-13.pdf>.

212 Mont. Code Ann. § 52-5-112 (2017). Only eight youth per facility may receive this aid.

213 Mont. Code Ann. § 53-1-214 (2017).

Nebraska financial aid for incarcerated students

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 the Nebraska’s main financial aid grant.²¹⁴

Financial aid programs with practice 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).²¹⁵ So although Nebraska has no statute or regulation that would prevent incarcerated students from being eligible to receive state government aid, as long as CCPE maintains this practice, incarcerated students will not be eligible for state funding.²¹⁶

Nebraska offers a tuition waiver for dependents of those disabled or killed in the line of military duty, but it is not clear if the practice barrier discussed above applies to this waiver.²¹⁷

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>.

²¹⁴ Email correspondence between Abigail Cessna, associate, Clifford Chance US LLP, and Ritchie Morrow, financial aid officer, CCPE, May 15, 2018.

²¹⁵ *Ibid.*

²¹⁶ See Chapter 85 of the Nebraska Statutes and Title 281 of the Nebraska Administrative Code for eligibility requirements for the state’s grant programs.

²¹⁷ Neb. Rev. Stat. § 80-411 (2018).

Nevada financial aid for incarcerated students

Nevada operates a few decentralized, state-funded financial aid programs, none of which have express statutory or regulatory eligibility barriers for incarcerated students.

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;²¹⁸ and
- › Silver State Opportunity Grant.²¹⁹

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

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/>.

218 Nev. Rev. Stat. §§ 396.911 et seq. (2018); and Nev. Rev. Stat. § 396.930 (2018) (eligibility requirements).

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

219 Nev. Rev. Stat. §§ 396.950 et seq. (2018). Students must enroll in at least 15 credit hours per semester,

among other requirements.

New Hampshire financial aid for incarcerated students

New Hampshire currently offers very limited state financial aid funding, but otherwise eligible incarcerated students do not face additional barriers in applying for it.

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.²²⁰ 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.²²¹

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.

²²⁰ N.H. Rev. Stat. § 187-A:20-c (2018).

²²¹ N.H. Rev. Stat. § 187-A:20-a (2018) [Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships]; and N.H. Rev. Stat. § 187-A:20-b (2018) [Tuition Waiver for Children in State Foster Care or Guardianship]. Only 20 tuition waivers for former foster children are available each year: 10 from the college system and 10 from the university system.

New Jersey financial aid for incarcerated students

New Jersey awarded more than half a billion dollars in state grants to almost 75,000 students during the 2016–2017 school year, none of it to incarcerated students.²²² Incarcerated students who are enrolled in postsecondary education programs in New Jersey are not eligible for state financial aid.

Financial aid programs with statutory barriers for incarcerated students

The New Jersey statute governing all of the state’s scholarship and grant programs explicitly bars students who are currently incarcerated from receiving any state aid.²²³ This includes New Jersey’s Tuition Aid Grant (TAG) program, as well as the newly created Community College Opportunity Grant (CCOG) program.²²⁴ New Jersey also runs smaller programs, including the Educational Opportunity Fund, the Governor’s Urban Scholarship, the Governor’s Industry Vocations Scholarship for Women & Minorities, the Law Enforcement Officer’s Memorial, the Student Tuition Reward Scholarship, Survivor Tuition Benefits I & II, the New Jersey Foster Care Scholars Program, and the New Jersey World Trade Center Scholarship.²²⁵ The statutory ban applies to these programs as well.²²⁶

222 Higher Education Student Assistance Authority (HESAA), *Funding the Future: 2017 Annual Report* (Trenton, NJ: HESAA, 2017), 22, <https://www.hesaa.org/Documents/Financial/AnnualReports/annualreport2017.pdf>.

223 N.J. Stat. Ann. § 18A:71B-2(d) [2018] (“A person who is incarcerated shall not be eligible for student financial aid under this chapter”).

224 For details of the TAG program, see HESAA, *State & Federal Aid for Undergraduates and Graduates* (Trenton, NJ: HESAA, 2018), 20, https://www.hesaa.org/Documents/State_and_Federal.pdf. For information on the CCOG program, see HESAA, “New Jersey Community College Opportunity Grant,” <https://www.hesaa.org/Pages/ccog.aspx>.

225 For information on the Foster Care Scholars Program, see New Jersey Department of Children and Families, “New Jersey Foster Care Scholars Program,” https://www.nj.gov/dcf/home/foster_scholars_program.html. For all other programs administered by the HESAA, see HESAA, *State and Federal Aid*, 2018, 12-19.

226 N.J. Stat. Ann. § 18A:71B-2(d) [2018].

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>.

New Mexico financial aid for incarcerated students

New Mexico has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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;²²⁷
- › New Mexico Scholars;²²⁸
- › Fire Fighter and Peace Officer Survivors Scholarships;²²⁹
- › Student Incentive Grant Program;²³⁰
- › Student Choice Grant;²³¹
- › Students with Disabilities Scholarship Act;²³²
- › Tuition and Fee Waivers For Foster Children;²³³
- › Legislative Endowment Scholarship Program;²³⁴
- › College Affordability Grant;²³⁵ and

227 2019 New Mexico Laws ch. 54 [SB 407] (amending N.M. Stat. Ann. 21-21N-2 [2017]); and N.M. Code R. § 5.720.8 [2017]. Students must enter postsecondary education within 16 months of high school graduation or its equivalency, among other eligibility requirements.

228 N.M. Stat. Ann. § 21-21H-5 [2017]. Students must be under 21 years of age and meet certain academic and need requirements.

229 N.M. Stat. Ann. §§ 21-21F-3 and 21-21F-4 [2017].

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

231 N.M. Stat. Ann. §§ 21-21C-5 and 21-21C-6 [2017]. Students must be enrolled in at least six credit hours, among other requirements.

232 N.M. Stat. Ann. § 21-21M-4 [2017].

233 2019 New Mexico Laws ch. 163 [SB 251] (amending N.M. Stat. Ann. §21-1-4.7 [2017]). Students must enroll before their 25th birthdays, among other requirements.

234 N.M. Stat. Ann. § 21-21J-4 [2017].

235 N.M. Stat. Ann. § 21-21L-4 [2017].

- › Bridge Scholarship.²³⁶

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.

²³⁶ New Mexico Higher Education Department, "Bridge Scholarship," <http://www.hed.state.nm.us/students/bridge-scholarship.aspx>.

New York financial aid for incarcerated students

Incarcerated students enrolled in postsecondary education programs in New York are not eligible for the state's financial aid programs.

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.²³⁷ The Tuition Assistance Program overall awarded \$917 million in funding for the 2016–2017 school year.²³⁸ 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.²³⁹ New York also offers funding for colleges and universities to support foster care youth.²⁴⁰ All of these programs share the statutory barriers preventing incarcerated students from receiving state-funded financial assistance to pursue postsecondary education.²⁴¹ Like the federal ban on incarcerated students receiving Pell Grants,

237 For TAP, see N.Y. Educ. Law § 667 (2018). For Supplemental TAP see N.Y. Educ. Law § 667-A (2018). For Part-time TAP, see N.Y. Educ. Law § 666 (2018).

238 New York State Division of the Budget, "Higher Education Services Corporation: Program Highlights," <https://www.budget.ny.gov/pubs/archive/fy19/exec/agencies/appropData/HigherEducationServicesCorporationNewYorkState.html>.

239 N.Y. Educ. Law §§ 668 and 669A (2018).

240 N.Y. Educ. Law § 6456 (2018).

241 N.Y. Educ. Law § 661(6)(d) (2018) ("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>.

this ban only applies to students who are incarcerated and lifts when students return to the community.²⁴²

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>.

²⁴² N.Y. Educ. Law § 661(6)(d) (2018).

North Carolina financial aid for incarcerated students

Incarcerated students who are enrolled in postsecondary education programs in North Carolina are not eligible for two of the state's largest financial aid programs.²⁴³ There are no explicit barriers preventing otherwise eligible incarcerated students from applying for a number of 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 federal Pell Grant's eligibility requirements, other than the expected family contribution, to be considered for aid.²⁴⁴ Students who are incarcerated in federal and state prisons are not eligible for federal Pell Grants.²⁴⁵ Therefore, they are not eligible for these two state scholarship programs. Once otherwise eligible students return to the community, they can apply for both federal Pell Grants and these state financial aid programs.

Financial aid programs with policy barriers for incarcerated students

Although there is no statutory barrier for incarcerated students to be

²⁴³ North Carolina awarded almost \$116,000,000 in financial aid under these two scholarships for the 2016–2017 school year. North Carolina State Education Assistance Authority (NCSEAA), *Annual Report 2016–17* (Research Triangle Park, NC: NCSEAA, 2017), 7, http://www.ncseaa.edu/pdf/2016-17_Annual_Report.pdf.

²⁴⁴ 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 (2018). For the North Carolina Education Lottery Scholarship, see N.C. Gen. Stat. § 115C-499.2 (2018).

²⁴⁵ 20 U.S.C. § 1070a(b)(6) (2012).

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.²⁴⁶ The state board is authorized to adjust rules and policies regarding administration of the program.²⁴⁷

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;²⁴⁸
- › tuition waivers for survivors of law enforcement officers, volunteer firefighters, and rescue squad workers killed or permanently disabled in the line of duty;²⁴⁹
- › tuition waivers for foster care youth;²⁵⁰ and
- › Cheatham White Scholarship.²⁵¹

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.²⁵²

246 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>.

247 N.C. Gen. Stat. § 115D-40.1 (2018).

248 N.C. Gen. Stat. § 116-25.1 (2018). The significant limit on need-based grants from the University of North Carolina is the number of semesters that can be funded.

249 N.C. Gen. Stat. § 115B-2(a) (2018). In the case of disability (but not death), the child of such a disabled person must be under 24 to qualify for this waiver.

250 N.C. Gen. Stat. § 115B-2(a)(5) (2018). The student must be under 24 years old to apply for this waiver.

251 N.C. Gen. Stat. § 116-292 (2018). The Cheatham White Scholarship is merit-based and requires students to apply to college in the semester immediately following receiving their high school credentials.

252 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 the North Carolina State Education Assistance Authority.

North Dakota financial aid for incarcerated students

North Dakota has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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);²⁵³
- › North Dakota Scholars Program;²⁵⁴
- › North Dakota Indian Scholarship;²⁵⁵
- › North Dakota Career And Technical Education Scholarship;²⁵⁶ and
- › North Dakota Academic Scholarship.²⁵⁷

Each, however, has eligibility requirements that may pose practical barriers for incarcerated students.²⁵⁸

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/>.

253 N.D. Cent. Code § 15-62.4-03 [2018].

254 N.D. Cent. Code § 15-62.5-01 [2018].

255 N.D. Cent. Code § 15-63-04 [2018].

256 N.D. Cent. Code § 15.1-21-02.4 [2018] and N.D. Cent. Code § 15.1-21-02.6 [2018]. Students must have completed specific curriculum requirements in high school.

257 N.D. Cent. Code § 15.1-21-02.5 [2018]; and N.D. Cent. Code § 15.1-21-02.6 [2018].

258 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 financial aid for incarcerated students

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.

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.²⁵⁹ 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.²⁶⁰ By statute, this ban lasts for two calendar years from the time that the student applies for state assistance.²⁶¹ Incarcerated students who have been convicted of any of the crimes enumerated above may not be eligible for any state financial aid.

²⁵⁹ Ohio Rev. Code Ann. § 3333.122(C)(2) [2018].

²⁶⁰ Ohio Rev. Code Ann. § 3333.38(B) [2018]. 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>.

²⁶¹ Ohio Rev. Code Ann. § 3333.38(B) [2018].

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.²⁶² 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.²⁶³

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>.

²⁶² Ohio Rev. Code Ann. § 3333.26 [2018].

²⁶³ Ohio Rev. Code Ann. § 3333.61 [2018]. See also Ohio Department of Higher Education, “Choose Ohio First,” <https://www.ohiohighered.org/cof/faqs>.

Oklahoma financial aid for incarcerated students

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.

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.²⁶⁴ Once students return to their communities, they may apply for this financial aid.

In addition, the Oklahoma State Regents for Higher Education has 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.²⁶⁵ In addition, to maintain eligibility for the programs, students cannot have been adjudicated as a delinquent or convicted of a crime as an adult.²⁶⁶ This regulatory barrier also effectively disqualifies students who prior to incarceration were eligible and enrolled in the program.

During the 2016–2017 academic year, Oklahoma awarded more than \$83 million in funding through these two programs to Oklahoma residents.²⁶⁷

264 Okla. Stat. tit. 70 § 626.6(3) (2018).

265 Okla. Admin. Code § 610:25-23-5 (2018).

266 Okla. Admin. Code §§ 610:25-23-2 and 610:25-23-4 (2018). Some of the eligibility requirements for this program must be completed prior to receiving the student's high school diploma.

267 Oklahoma State Regents for Higher Education (OSRHE), *Degrees of Progress* (Oklahoma City, OK: OSRHE, 2018), 19-20.

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;²⁶⁸
- > Chancellor Hans Brisch Scholarship Program;²⁶⁹
- > William P. Willis Scholarship Program;²⁷⁰
- > Heartland Scholarship Program;²⁷¹
- > Tulsa Reconciliation Education and Scholarship Act;²⁷²
- > Oklahoma Tuition Equalization Grant Program;²⁷³
- > Oklahoma Successful Adulthood (OKSA) Program;²⁷⁴ and
- > Regional University Baccalaureate Scholarship Program.²⁷⁵

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>.

268 Okla. Stat. tit. 70 § 11-103.2 (2018) and Okla. Admin. Code § 610:25-1-4 (2018).

269 Okla. Admin. Code § 610:25-3-2 (2018).

270 Okla. Admin. Code § 610:25-5-2 (2018).

271 Okla. Admin. Code § 610:25-21-3 (2018).

272 Okla. Admin. Code § 610:25-29-3 (2018).

273 Okla. Admin. Code § 610:25-31-3 (2018).

274 Okla. Admin. Code § 340:75-6-110 (2018). Students must be former foster care youth under 26 years old.

275 Okla. Admin. Code § 610:25-33-4 (2018).

Oregon financial aid for incarcerated students

Oregon has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government aid.

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;²⁷⁶
- › Oregon Promise;²⁷⁷
- › Foster Children Tuition Waiver;²⁷⁸
- › Deceased or Disabled Public Safety Officer Grant;²⁷⁹ and
- › Barber and Hairdresser Grant.²⁸⁰

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>.

²⁷⁶ Ore. Rev. Stat. § 348.263 [2017].

²⁷⁷ Ore. Rev. Stat. § 341.522 [2017].

²⁷⁸ Ore. Rev. Stat. § 350.300 [2017] [amended by 2018 Ore. Laws 12 [HB 4014]].

²⁷⁹ Ore. Rev. Stat. §§ 348.270 and 348.280 [2017].

²⁸⁰ Ore. Rev. Stat. § 348.290 [2017].

Pennsylvania financial aid for incarcerated students

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.²⁸¹ 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.²⁸² 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.²⁸³

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

281 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.pheea.org/about/pdf/Annual_Report.pdf.

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

283 The statutory definition of “student” is written to specifically exclude people who are incarcerated. 24 Pa. Cons. Stat. §§ 5153(4)-(5) (2018). 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) (2018).

offenses and felonies.²⁸⁴ 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.²⁸⁵

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;²⁸⁶
- › scholarships for qualified veterans;²⁸⁷ 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.²⁸⁸

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/>.

284 22 Pa. Admin. Code § 121.6 [2018].

285 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).

286 24 Pa. Cons. Stat. § 5161 [2018].

287 24 Pa. Cons. Stat. § 5173 [2018].

288 24 Pa. Cons. Stat. § 7203 [2018]; and 51 Pa. Cons. Stat. § 3503 [2018].

Rhode Island financial aid for incarcerated students

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. These requirements often create practice barriers for incarcerated students.

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.²⁸⁹ 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.²⁹⁰ 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.²⁹¹ Incarcerated students are not eligible to receive Pell Grants and therefore would not be eligible for these additional state financial aid funds.

289 R.I. Gen. Laws § 16-56-6 (2017).

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

291 Community College of Rhode Island "Financial Aid: Available Types of Aid," https://www.ccri.edu/oes/fa/types_of_fa.html; and Rhode Island College "Financial Aid Programs," <http://www.ric.edu/financialaid/Pages/Financial-Aid-Programs.aspx#section10>.

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.²⁹² 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.²⁹³ The CCRI Foundation also provides grant and need-based scholarships.²⁹⁴

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.²⁹⁵ In addition, the state offers a tuition waiver for qualifying disabled veterans.²⁹⁶

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/>.

²⁹² R.I. Gen. Laws § 16-107-6 (2017).

²⁹³ R.I. Gen. Laws § 16-107-6(a)(1) (2017); 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.

²⁹⁴ 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.

²⁹⁵ R.I. Gen. Laws § 42-72.8-2 (2017).

²⁹⁶ R.I. Gen. Laws § 30-30.1-1 (2017).

South Carolina financial aid for incarcerated students

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.²⁹⁷ Students who are incarcerated do not face explicit statutory barriers for the Lottery Tuition Assistance Program and the state’s tuition waivers.

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:

- › South Carolina Need-based Tuition Grant;²⁹⁸
- › South Carolina Need-based Grant;²⁹⁹
- › Palmetto Fellows Scholarship;³⁰⁰
- › LIFE Scholarship;³⁰¹ and

297 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.

298 S.C. Code Ann. § 59-113-20(f) [2018]; and S.C. Code Ann. Regs. § 62-465(A)(6) [2018]. 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.

299 S.C. Code Ann. § 59-142-10(B)(2) [2018].

300 S.C. Code Ann. § 59-104-20(B) [2018]; and S.C. Code Ann. Regs. § 62-315(A)(6) [2018].

301 S.C. Code Ann. § 59-149-90(A) [2018]; and S.C. Code Ann. Regs. § 62-1200.10(A)(7) [2018].

- › Hope Scholarship.³⁰²

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;³⁰³
- › free tuition for children of disabled/deceased law enforcement officers;³⁰⁴ and
- › free tuition for children of certain deceased or disabled veterans.³⁰⁵

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>.

302 S.C. Code Ann. § 59-150-370(C) (2018); and S.C. Code Ann. Regs. § 62-900.95(A)(5) (2018).

303 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 (2018).

304 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 (2018).

305 Children of deceased, disabled, or wounded veterans are eligible for tuition waiver under S.C. Code Ann. § 59-111-20 (2018).

South Dakota financial aid for incarcerated students

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.³⁰⁶ Incarcerated students who have not been convicted of a felony controlled substance violation are eligible to apply for the state's financial aid programs.

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.³⁰⁷

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:

³⁰⁶ S.D. Codified Laws § 13-55-29 (2018).

³⁰⁷ S.D. Codified Laws § 13-55-29 (2018).

- > the South Dakota Opportunity Scholarship Program; and
- > need-based grants.³⁰⁸

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.³⁰⁹ 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/>.

308 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 (2018). South Dakota's need-based grants are codified at S.D. Codified Laws §§ 13-55A-1 through 13-55A-14 (2018), and the eligibility requirements are found in S.D. Codified Laws. § 13-55A-3 (2018).

309 S.D. Codified Laws § 13-55-2 (2018) (free tuition for veterans); S.D. Codified Laws § 13-55-9.2 (2018) (tuition and fees for dependents of prisoners of war and those missing in action); S.D. Codified Laws § 13-55-10 (2018) (tuition to children and spouses of deceased or disabled National Guard members); and S.D. Codified Laws § 13-55-22 (2018) (free tuition for survivors of certain firefighters, law enforcement, and emergency medical personnel).

Tennessee financial aid for incarcerated students

Students who are incarcerated in Tennessee and enrolled in postsecondary education programs are not eligible for 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.³¹⁰ This includes the Tennessee HOPE Foster Child Tuition Grant.³¹¹ 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.³¹² The federal Higher Education Act bars students convicted of drug offenses while receiving Pell Grants from receiving federal financial aid.³¹³ Therefore, students with certain convictions may be barred from receiving both state and federal aid after returning to their communities.

A representative from the Tennessee Student Assistance Corporation (TSAC) confirmed that incarcerated students are ineligible for any Tennessee state financial aid programs.³¹⁴

310 Tenn. Code Ann. § 49-4-904(6) (2017). For Tennessee’s lottery-funded financial aid programs, see Tenn. Code Ann. §§ 49-4-901 through 49-4-944 (2017).

311 Tenn. Code Ann. § 49-4-933(a)(1) (2017). 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>.

312 Tenn. Code Ann. § 49-4-904(5) (2017).

313 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.

314 Telephone interview by Abigail Cessna, associate, Clifford Chance US LLP, with a representative from the

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>.

Tennessee Student Assistance Corporation, August 10, 2018.

Texas financial aid for incarcerated students

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 TEXAS Grant program, which made up 71 percent of the state grant aid distributed in 2018, is among the programs with this ban.³¹⁵ There are a number of smaller financial aid programs that are available to otherwise eligible incarcerated students in the state.

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:

- › Toward Excellence, Access & Success (TEXAS) Grant Program;³¹⁶
- › Texas Educational Opportunity Grant Program (TEOG);³¹⁷ and
- › Teach for Texas Alternative Certification Assistance Program.³¹⁸

315 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>.

316 Tex. Educ. Code Ann. §§ 56.304(b) and 56.305(b) [2018]; and 19 Tex. Admin. Code § 22.230(f) [2018].

317 Tex. Educ. Code Ann. §§ 56.404(b) and 56.405(b) [2018]; and 19 Tex. Admin. Code § 22.256(c)(3) [2018].

318 Tex. Educ. Code Ann. § 56.357(c) [2018]; and 19 Tex. Admin. Code § 22.667(5) [2018].

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);³¹⁹
- › Tuition Equalization Grant Program (TEG);³²⁰
- › Texas Career Opportunity Grant Program;³²¹
- › Texas Department of Transportation Conditional Grant Program;³²² and
- › Texas Science, Technology, Engineering, and Mathematics Challenge Scholarship.³²³

Incarcerated students are also eligible for tuition waiver programs for:

- › adopted students formerly in foster care and students who prior to turning 18 were under the conservatorship of the Department of Family Services;³²⁴
- › students who received Temporary Assistance for Needy Families (TANF) benefits during their last year of high school;³²⁵
- › Texan veterans who served at least 181 days and were honorably discharged;³²⁶
- › blind and Deaf students; and³²⁷
- › 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.³²⁸

319 Tex. Educ. Code Ann. § 56.034 (2018); and 19 Tex. Admin. Code § 22.64 (2018).

320 Tex. Educ. Code Ann. § 61.2251 (2018); and 19 Tex. Admin. Code § 22.21 (2018).

321 Tex. Lab. Code Ann. § 305.026 (2018).

322 Tex. Educ. Code Ann. § 56.143 (2018).

323 Tex. Educ. Code Ann. § 61.9793 (2018); and 19 Tex. Admin. Code § 22.573 (2018).

324 Students must also be under 25 years of age. Tex. Educ. Code Ann. §§ 54.366-367 (2018).

325 Tex. Educ. Code Ann. § 54.361 (2018). 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.

326 Tex. Educ. Code Ann. § 54.341 (2018).

327 Tex. Educ. Code Ann. § 54.364 (2018).

328 Tex. Educ. Code Ann. § 54.2031 (2018) (children of armed forces members deployed on combat duty); Tex.

Texas is one of 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.³²⁹ If incarcerated students choose to take additional courses, they are responsible for the tuition costs up front.³³⁰

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

Educ. Code Ann. § 54.343 (2018) (children of prisoners of war or persons missing in action); Tex. Educ. Code Ann. § 54.351 (2018) (children of disabled firefighters and law enforcement officers); and Tex. Educ. Code Ann. § 54.352 (2018) (children of disabled peace officers).

329 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.

330 *Ibid.*

Utah financial aid for incarcerated students

Utah operates few state-funded financial aid programs. The largest have an explicit statutory barrier for students who have criminal records, prohibiting students who are incarcerated from ever receiving state financial aid. Two limited financial aid programs, as well as state tuition waivers, are available to otherwise eligible incarcerated students in the state.

Financial aid programs with barriers for incarcerated and formerly incarcerated students

Utah's two largest scholarship programs, the Regent's Scholarship and New Century Scholarship, restrict eligibility to students who do not have criminal records aside from misdemeanor traffic citations, and both have strict academic and college application timing requirements.³³¹

Financial aid programs without barriers for incarcerated students

The following financial aid programs in Utah 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;³³²

331 See Utah Code Ann. § 53B-8-203(4)(c) (2018) [Regents' Scholarship Program—Base Regents' scholarship—Qualifications—Application]; and Utah Code Ann. § 53B-8-105(5)(c) (2018) [New Century scholarships—High school requirements].

332 The WICHE program is established in Utah Code Ann. §§ 53B-4-101 and 53B-4-103 (2018). For more information about the WICHE program, see Utah System of Higher Education, "WICHE & T.H. Bell

- › the Access Utah Promise Scholarship Program;³³³ and
- › Centennial Scholarship for Early Graduation, available for students who graduate from high school at or before the conclusion of grade 11.³³⁴

Utah also provides state tuition waiver programs specifically targeted at surviving family of qualified deceased military members, police officers, and firefighters.³³⁵ 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.³³⁶ None of these programs have 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/>.

Programs,” <https://highereducation.utah.gov/wicheprograms>.

333 This program was established during the 2019 legislative session. As of the date of this publication, regulations had not been promulgated to govern it, but there is no statutory bar to its use by incarcerated students. Utah HB 260 (2019) (to be codified at Utah Code Ann. §§ 53B-8-301 et seq.).

334 The Centennial Scholarship is governed by Utah Admin. Code R277-703-1 through R277-703-7 (2018).

335 Utah Code Ann. § 53B-8-107 (2018) (surviving dependents of military members); and Utah Code Ann. § 53B-8c-103 (2018) (spouses and children of police officers and firefighters killed in the line of duty).

336 Utah Code Ann. § 53B-13b-103 (2018) (veterans whose benefits terminate before the completion of their education); and Utah Code Ann. § 53B-8d-103 (2018) (“wards of the state”).

Vermont financial aid for incarcerated students

Vermont has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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;³³⁷
- › Vermont Non-Degree Grants;³³⁸ and
- › Armed Services Scholarship.³³⁹

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

337 Vt. Stat. Ann. tit. 16 § 2842 (2018). 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.

338 Vt. Stat. Ann. tit. 16 § 2846 (2018). 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.

339 Vt. Stat. Ann. tit. 16 § 2537 (2018).

Virginia financial aid for incarcerated students

Virginia has no statute, regulation, or policy that prevents incarcerated students from being eligible to receive state government 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;³⁴⁰
- › Virginia Guaranteed Assistance Program;³⁴¹
- › Virginia Tuition Assistance Grant Program;³⁴²
- › Two-Year College Transfer Grant;³⁴³
- › Virginia Military Survivors & Dependents Education Program;³⁴⁴
- › tuition waivers for surviving spouses and children of law enforcement, emergency, and military personnel;³⁴⁵

³⁴⁰ Va. Code Ann. § 23.1-600; 8 Va Admin. Code § 40-132-80 (2018) (establishing grant program for undergraduate students); and 8 Va. Admin. Code § 40-132-140 (2018) (establishing grant program for graduate students).

³⁴¹ Va. Code Ann. § 23.1-638 (2018).

³⁴² Va. Code Ann. § 23.1-631 (2018).

³⁴³ Va. Code Ann. § 23.1-624 (2018).

³⁴⁴ Va. Code Ann. § 23.1-608 (2018). 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.

³⁴⁵ Va. Code Ann. § 23.1-609 (2018). 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.”

- > tuition and fee grants for foster children;³⁴⁶and
- > Virginia Part-Time Tuition Assistance Grant Program.³⁴⁷

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>.

³⁴⁶ Va. Code Ann. § 23.1-601 (2018).

³⁴⁷ 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 financial aid for incarcerated students

Although Washington statutes bar incarcerated students from access to one financial aid program targeting middle school students to encourage college enrollment, otherwise eligible incarcerated students can participate in the state's other programs.

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 TANF benefits and are willing to take the early college pledge in seventh or eighth grade.³⁴⁸ Because this statutory bar is linked to conviction, not incarceration status, students will not be eligible even after they return to their communities.

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;³⁴⁹
- › Passport to College;³⁵⁰

³⁴⁸ Wash. Rev. Code § 28B.118.010 [2018]. Students must also sign a pledge during seventh grade to be eligible for this scholarship and meet additional academic requirements.

³⁴⁹ Wash. Rev. Code § 28B.92.030 [2018] (as amended by 2019 Wash. Laws ch. 406 [HB 2158]).

³⁵⁰ Wash. Rev. Code § 28B.117.030 [2018]. This program is for young adults who have been in the foster system or experienced homelessness and who are not yet 21 years old.

- > American Indian Endowment Scholarship;³⁵¹
- > Opportunity Grants;³⁵²
- > Opportunity Scholarship Program;³⁵³
- > Foster Care Passport to College Promise;³⁵⁴
- > dependents of deceased or disabled veterans and National Guard members;³⁵⁵
- > waiver of tuition and fees for people who have been wrongfully convicted;³⁵⁶ and
- > exemption from tuition and fees for surviving children and spouses of certain law enforcement officers, firefighters, state patrol officers, or highway workers.³⁵⁷

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>.

351 Wash. Rev. Code § 28B.108.010 (2018).

352 Wash. Rev. Code § 28B.50.272 (2018).

353 Wash. Rev. Code § 28B.145.010 (2018) (as amended by 2019 Wash. Laws ch. 406 (HB 2158)). 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.

354 Wash. Rev. Code § 28B.116.010 (2018) (as amended by 2019 Wash. Laws ch. 406 (HB 2158)).

355 Wash. Rev. Code § 28B.15.621 (2018). 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) (2018).

356 Wash. Rev. Code § 28B.15.395 (2018). "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.

357 Wash. Rev. Code § 28B-15.380 (2018).

West Virginia financial aid for incarcerated students

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). 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.³⁵⁸ In addition, in order for students to receive tuition waivers for high school graduates in foster care, they must apply for other student financial assistance “in compliance with federal financial aid rules, including the federal Pell Grant.”³⁵⁹ This requirement likely means that incarcerated students who are not eligible for Pell Grants will not be considered eligible for this tuition waiver. Once otherwise eligible students return to their communities, they will be able to receive state grants under this program.

The West Virginia Higher Education Grant program does not contain any statutory or regulatory barriers for incarcerated students, but the West Virginia HEPC reports that it has instructed its partner colleges and universities to follow federal guidelines for Pell Grants when the state statute is

358 W.Va. Code § 18C-5-7(c)(5) (2018).

359 W.Va. Code § 18B-10-7b (2018).

silent.³⁶⁰ Therefore, although there is no law or regulation explicitly prohibiting incarcerated students from consideration for this funding, incarcerated students are not currently eligible for the Higher Education Grant Program.

Financial aid programs without barriers for incarcerated students

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.³⁶¹

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.³⁶²

For up-to-date information and contacts for West Virginia state financial aid, visit the College Foundation of West Virginia at https://secure.cfww.com/Financial_Aid_Planning/Scholarships/Scholarships.aspx.³⁶³

360 Email exchange between Lauren Hobby, Clifford Chance Foundation legal fellow, Vera Institute of Justice, and Brian Weingart, senior director of financial aid, West Virginia Higher Education Policy Commission, February 5, 2019. For Pell Grant eligibility, see 20 U.S.C. § 1070a(b)(6) (2012).

361 W.Va. Code § 18C-7-6 (2018).

362 W.Va. Code § 18B-10-7 (2018).

363 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 financial aid for incarcerated students

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.³⁶⁴

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;³⁶⁵
- › Wisconsin Grant for use in private institutions;³⁶⁶
- › Talent Incentive Program Grant;³⁶⁷
- › Indian Student Assistance Grant;³⁶⁸
- › Minority Undergraduate Grant;³⁶⁹
- › Wisconsin Grant for students who “are [D]eaf or hard of hearing or

364 See for example Wis. Stat. § 39.44(4) (2018). (“[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”)

365 Wis. Stat. § 39.435 (2018).

366 Wis. Stat. § 39.30 (2018).

367 Wis. Stat. § 39.435(2) (2018). Students need not maintain continuous enrollment to be eligible for this grant.

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

369 Wis. Stat. § 39.44 (2018). 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.”

visually handicapped and who demonstrate need”;³⁷⁰

- > fee remission for survivors;³⁷¹ and
- > fee remission for veterans.³⁷²

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>.

³⁷⁰ Wis. Stat. § 39.435(5) (2018).

³⁷¹ Wis. Stat. § 36.27(3m) (2018) [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) (2018) [fees are waived for the spouse, surviving spouse, or child of certain military personnel, including National Guard and Reserves.]

³⁷² Wis. Stat. § 36.27(3p) (2018). Veterans must have served on active duty to qualify for this waiver.

Wyoming financial aid for incarcerated students

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.³⁷³ 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.³⁷⁴ Otherwise eligible students who are currently incarcerated may apply for Wyoming tuition waivers.

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.³⁷⁵ 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.³⁷⁶ 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.³⁷⁷

373 Wyo. Stat. Ann. § 21-16-1303(e)(v) (2018).

374 Wyo. Stat. Ann. § 21-16-1303(e)(vi) (2018).

375 Wyo. Stat. Ann. §§ 21-16-1303(e)(v)-(vi) (2018). 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.

376 Wyo. Stat. Ann. § 21-16-1308(b)(v) (2018) (citing Wyo. Stat. Ann. § 21-16-1308(b)(v)).

377 Wyo. Stat. Ann. § 21-16-1306(a)(i) (2018) (“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.³⁷⁸

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/>.

³⁷⁸ Wyo. Stat. Ann. § 21-16-1501 (2018).

About citations

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