



Postsecondary Education in Prison Programs and Accreditation—General Considerations for Peer Reviewers and Accreditors

Vera Institute of Justice and Higher Learning Commission

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Introduction

This is an exciting time in postsecondary education. For the first time in almost 20 years, people who are incarcerated in the United States and respective territories will have the opportunity to obtain Pell Grants so they can pursue postsecondary education. The reinstatement of Pell Grants was achieved through the FAFSA Simplification Act, which passed with bipartisan support in December 2020 as part of the 2020 Consolidated Appropriations Act.

SECOND CHANCE PELL EXPERIMENTAL SITES INITIATIVE

Prior to the FAFSA Simplification Act, a ban in place since 1994 prohibited the use of Pell Grants to fund postsecondary educational opportunities for the incarcerated. Since the early 1990s, the United States has seen an unprecedented increase in incarceration rates. One solution various government administrations considered to help address this crisis was expanding educational access. A 2013 RAND Corporation meta-analysis estimating the aggregate effects of education programs offered in prison showed that correctional education program participants had “43 percent lower odds of recidivating” and “13 percent higher” odds of “obtaining employment postrelease” compared to those who did not participate.¹ Additionally, the RAND meta-analysis found that “the three-year return on investment for taxpayers is nearly 400%, or \$5 saved for every \$1 spent.”² A 2018 RAND study updated the reduction in the odds of recidivism to 48 percent.³ In addition to the benefits to public safety, postsecondary education programming in correctional facilities has been found to positively influence students by promoting positive self-worth and development, preparing students for post-release jobs and successful reentry, promoting racial equity, and improving facility safety. In 2015, under the Obama administration, the U.S. Department of Education (hereafter referred to as “ED”) established the Second

Chance Pell (SCP) Experimental Sites Initiative to provide Pell Grants to people who are incarcerated, allowing them to participate in approved postsecondary education programs.⁴ In 2016, ED selected 67 colleges in 28 states to participate in the SCP Experiment. In 2020, SCP was expanded to include a total of 130 colleges from 42 states and Washington, DC. In 2022, a final round of colleges was selected, which expanded the number of participating colleges to 200 colleges in nearly all states.⁵

The Vera Institute of Justice (Vera), a national nonprofit, is ED's designated technical assistance provider to the network of 200 participating colleges, corrections agencies, and accreditors in 48 states; Washington, DC; and Puerto Rico. Ten college accreditors accredit the 200 SCP colleges: Higher Learning Commission (HLC), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), Northwest Commission on Colleges and Universities (NWCCU), WASC Senior College and University Commission (WSCUC), Accrediting Commission for Community and Junior Colleges (ACCJC), Transnational Association of Christian Colleges and Schools (TRACS), Council on Occupational Education (COE), and Association for Biblical Higher Education (ABHE).

The SCP Experiment has shown a steady increase in student enrollment and completion as the programs have developed. Vera's recent fifth-year update, *Second Chance Pell: Five Years of Expanding Higher Education Programs in Prisons, 2016–2021*, noted that since 2016, 28,119 students have enrolled in postsecondary education through SCP.⁶ In that time, more than 9,000 students have earned either an associate's degree, a bachelor's degree, or a certificate or diploma, including more than 1,900 credentials earned in 2020–2021.⁷ The SCP Experiment led, in part, to the federal government's reinstatement of Pell Grant eligibility to all people who are incarcerated, regardless of sentence length or conviction.

THE TYPICAL PROCESS FOR PRISON EDUCATION PROGRAMS UNDER THE SCP EXPERIMENT

Based on anecdotal evidence gathered by Vera representatives from colleges and accreditors, it appears colleges often took a common approach to initiating the process of offering an approved prison education program (PEP) under the SCP Experiment.

In many cases, colleges worked on their SCP applications in isolation, without initiating conversations with corrections agencies or their accreditors. Although active communication between colleges and corrections agencies or their accreditors was not a requirement of the SCP application process, the lack of collaboration highlighted potential challenges, including delayed programming and some accreditors not knowing about new programming or new additional locations for several years. The lack of a formalized agreement between colleges and corrections agencies prior to the college being approved by ED—a process that could take several months—often delayed the start of programming by at least one semester. Also, although colleges are encouraged to contact their accreditors early in the process to begin a substantive change application for a new additional location, such as a prison, most colleges offering one or more courses are not required to start that process until it is clear that students are or will be close to completing at least 50 percent of an academic credential at that location. Because SCP programming was deemed an experiment and some colleges wanted to assess the success of this new initiative before starting the accreditor’s application process, many waited to contact their accreditors until students were closer to completing 50 percent of their academic credentials at that location. Programming delays caused by the COVID-19 pandemic, coupled with traditional academic timelines along with institutions not communicating with their accreditors, led to many accreditors not learning of member colleges’ involvement in SCP programming at a new location until several years after the programming began, despite the schools’ full compliance with accreditation requirements.

FAFSA SIMPLIFICATION ACT: FROM THE SCP EXPERIMENTAL SITES INITIATIVE TO REINSTATEMENT OF PELL ELIGIBILITY FOR STUDENTS WHO ARE INCARCERATED

The FAFSA Simplification Act is a landmark piece of legislation that moves the country from SCP to full Pell reinstatement. The reinstatement of Pell Grant eligibility to all students who are incarcerated, whether they are located in prisons, jails, juvenile justice facilities, work farms, or similar correctional institutions, allows them to participate in an approved PEP.⁸ This has the potential to significantly increase the number of approved PEPs throughout the country, thereby expanding access to students. According to the FAFSA Simplification Act, PEPs must meet general Higher Education Act, Title IV institutional and programmatic eligibility requirements, and Federal Student Aid-established requirements and limitations. For successful implementation of high-quality programs in this context, colleges, corrections departments, accreditation agencies, and community partners should collaborate to ensure they are working in what the legislation considers the “best interest of students.”⁹ In some jurisdictions, these entities have an established collaborative relationship, whereas in others, these partnerships are new or underdeveloped. The FAFSA Simplification Act, ED’s subsequent Negotiated Rulemaking for Higher Education in 2021, and the Negotiated Rulemaking public comment period between July 28, 2022, and August 26, 2022, have allowed diverse stakeholders to weigh in on the projected framework. In November 2022, ED plans to publish regulatory language in preparation for Pell restoration in July 2023. It is important that all stakeholders remain apprised of regulations moving forward.

As illustrated in the proposed new regulations that were published on July 28, 2022, ED made a significant revision to the approval process for PEPs post-July 1, 2023. If approved, this revision will have considerable implications for colleges and accreditors, requiring a different approach to communication from what typified the SCP Experiment.¹⁰

Proposed Onboarding Process Post–July 1, 2023

Corrections

Colleges first connect with corrections agencies to discuss potential programming for students who are incarcerated. Agreement may be formalized.



Accreditor

After a college has formalized a partnership with a corrections agency to provide programming to students, the college initiates the substantive change process with its accreditor to open a new additional location and, if applicable, to offer a new academic program.



ED

After the college has obtained an agreement from its correctional partner and approval from its accreditor, it applies to ED to offer an approved PEP.

As noted in the graphic above, the process for colleges applying to offer approved PEPs is significantly different from the SCP Experiment. The proposed language mandates that colleges first communicate with potential correctional partners about programming efforts. If the college and corrections agency agree to a potential partnership, they may formalize that agreement in a memorandum of understanding (MOU) or a similar arrangement. Once the relationship between the college and corrections agency has been established, it is up to the college to next reach out to its accreditor. As noted in ED’s proposed language, colleges must seek approval from their accreditors to teach in at least the first two additional locations, regardless of modality. (For more on considerations related to modalities, see Chapter 4.) ED’s proposed language further notes that no PEP programming can take place until a college’s accreditor has approved potential programming at the first two locations. Only after a college has secured approvals

from its correctional agency partner and accreditor can it apply to offer an approved PEP. By ensuring ED is in the latter stage of the potential onboarding process for PEPs, the process emphasizes the importance of all stakeholders coming together in advance of a formalized application.

ED views the forthcoming Pell expansion as a promising development that represents a meaningful opportunity for tens of thousands of students who are incarcerated.¹¹ The evaluation of colleges serving this population requires accountability to high standards. The role of higher education accreditors in ensuring these standards are met cannot be overstated.

THE NEED FOR THIS GUIDEBOOK

With Pell reinstatement on the horizon, the field of higher education accreditation needs a guide for peer reviewers evaluating institutions offering postsecondary education programming inside prisons or other approved correctional facilities. Vera and HLC collaborated to create this guide with feedback received from experienced peer reviewers as well as a range of institutional accreditors that have multiple colleges participating in SCP to foster a common understanding of the unique context and goals of postsecondary education programming in correctional facilities.¹² As colleges expand their programming to offer academic credentials to students who are incarcerated, they need to work proactively alongside their accreditors to ensure they continue to meet standards of academic quality and comply with federal regulations necessary to maintain Pell eligibility. As such, this guidebook is designed primarily as an orienting resource for peer reviewers and the higher education accreditors they serve. It is meant to supplement, rather than supplant, accreditors' existing standards for colleges and expectations for peer reviewers and does not attempt to restate those standards or expectations. Rather, it offers insights into academic quality assurance within a specific context—correctional facilities—and encourages accreditors to operationalize those insights for their peer reviewers and decision-making bodies.

More from Vera
For more information on the FAFSA Simplification Act, see Juan Martinez-Hill, [A Monumental Shift: Restoring Access to Pell Grants for Incarcerated Students](#) (New York: Vera Institute of Justice, 2021).

Chapter 1: Quality Assurance Expectations for Colleges Teaching Students Who Are Incarcerated

MISSION, PLANNING, AND OVERSIGHT

Colleges that commit to offering postsecondary education programs (PEPs) in correctional facilities contribute to the public good in a way that requires long-term strategy; thoughtful curriculum planning; intentional oversight; and partnerships with external stakeholders, where appropriate, to ensure sustainability. As colleges continue to pursue their strategic goals, one would expect that their commitment to serving students who are incarcerated permeates other aspects of their operations, including, for example, when such students are no longer incarcerated and wish to continue their studies on the college's main campus. A college's senior leadership and governing board are critical to ensuring the sustainability of college programs in correctional facilities. Their roles can include, for example, assigning specific oversight responsibility within the college for the program's success, incorporating related goals in the college's strategic plan, and strategically partnering with community-based organizations and other relevant stakeholders to assist students who are incarcerated as they navigate their broader reintegration into their communities. Verifying that the college effectively plans for and oversees its college-in-prison programs and that its financial planning, resource allocation, and oversight of the programs are effective is an important part of the review process.

INTEGRITY AND TRANSPARENCY

A college's obligation to adhere to its policies and procedures, and to assure integrity in all its functions—including academic, financial,

and auxiliary functions for the benefit of all students—extends to students who are incarcerated.

Peer reviewers need to consider whether a college has adequate administrative oversight of its programs in correctional facilities; they must also ensure that students pursuing postsecondary education at this additional location are afforded all the rights of any other student attending the college on campus. This requires the college to affirmatively examine its operations to determine their impacts, intended and unintended, on students who are incarcerated.

Another important consideration for peer reviewers is whether a college makes readily available to students a host of information through transparent disclosures, including information about its mission, academic program descriptions, prerequisites, financial costs featuring an explanation of how Pell funds pay for its programming, academic and financial policies and procedures, graduation requirements, accreditation relationships, and state licensure requirements for particular careers. It is expected that students receive, at a minimum, the same transparent disclosures a college provides to all other students. In most cases, a college will need to take additional steps to ensure not only that such information is readily available to students, but also that those students' unique circumstances are considered to ensure the information provided is both complete and accurate. For example, a participating college may need to coordinate with a correctional facility to ascertain whether the total cost of attendance represented to its students is accurate. Similarly, if a college outsources instruction, academic advising, or student support services to a third party or external entity, it is important that students who are incarcerated are made aware of this fact before they make enrollment decisions.

ACADEMIC QUALITY AND ASSESSMENT OF STUDENT LEARNING OUTCOMES

Colleges are responsible for the academic quality of their programs, and a college's program quality and learning goals need to be

comparable, regardless of the modes of instructional delivery and the location in which learning takes place. Academic rigor, intellectual inquiry, quality of instruction, and learning outcomes associated with postsecondary education programs in correctional facilities must be commensurate with what would generally be considered postsecondary education. Moreover, data relevant to this student population in institutional data collection, analysis, and planning activities can provide critically important information to colleges and accreditors.

Peer reviewers are encouraged to verify that the participating college ensures instructors are appropriately qualified (whether by academic credentials, equivalent experience, or some combination thereof) and that it provides effective support for, and evaluation of, the instructors delivering programs in a correctional facility. The college must demonstrate that it maintains adequate institutional controls to ensure the academic offerings provided are comparable in terms of quality and content to the academic offerings on the college's main campus. In particular, consistent curricular expectations and application of academic policies, thoughtful course sequencing to ensure regular availability of courses needed to progress toward completing a credential and/or meeting graduation requirements, requirements for regular and substantive faculty interaction with students, and timely disposition of students' concerns are all equally relevant in correctional facilities.

These programs must also undergo regular assessment by the college to validate that they produce the intended results. The FAFSA Simplification Act, the negotiated rulemaking, and the proposed regulatory language further amplify the importance of regular assessment of programming via the "best interest of student" language.¹³ It is therefore important that peer reviewers verify that colleges systematically collect, review, and analyze a range of material, including student learning outcomes data, to identify opportunities for improvement in the quality of their academic offerings in correctional facilities.

In addition, at an institutional level, peer reviewers should determine whether the participating college is actively disaggregating student outcome data, specifically to assess the success of its programs

within correctional facilities and to take action if significant disparities exist. This may include, for example, benchmarking against other programs serving a similar student population, if possible, and interviewing key college personnel, including faculty, to evaluate the extent to which student success is regularly evaluated and managed. Peer reviewers should also determine whether the participating college is tracking its own students' post-completion outcomes, including the extent to which they continue their academic studies, ultimately complete a college credential, and secure gainful employment. Peer reviewers must be aware that student academic goals related to postsecondary education may not always include completing a credential. Stopping out of academic programs periodically before or even without completing a credential may be the norm for any working adult learner, and students who are incarcerated are no exception. However, the college remains accountable to ensure that a student's decision to discontinue their studies is not related to factors within the college's control, such as issues of academic quality, lack of access to student support services, or advising that fails to align with students' short- and long-term goals. Given these students' physical locations and how they may face additional challenges as they try to complete their credentials—for example, due to facility transfers, lockdowns, or pandemic restrictions—it is important that colleges work with corrections agencies to try to plan for these unique circumstances.

STUDENT AND FACULTY RESOURCES AND SUPPORT

As part of regularly implementing an accrediting agency's quality assurance processes, peer reviewers must determine whether the participating college provides evidence that it delivers, supports, and manages necessary student and faculty services and academic resources at all locations, including correctional facilities. The college must also determine which student support services best suit the needs of its student population and ensure such support services are provided. For example, peer reviewers must consider whether the college routinely makes academic advising and placement, remedial/tutorial services, library materials, mental health support, disability accommodations, and other services

available to students who are incarcerated. In addition, students need access to a range of services, including registration, student records, financial aid and financial literacy, career counseling, and grade appeals. Moreover, access to such services needs to be consistent, rather than sporadic, to accommodate short-term planning for the academic term at hand and to foster and support the development of longer-term academic planning and career pursuits.

Separately, the participating college must also ensure that faculty (or other instructors providing educational offerings on the college's behalf) have the appropriate professional development, teaching resources, didactic knowledge, and technological training necessary to deliver high-quality education, and that they are subject to appropriate oversight and regular evaluation by the college. Colleges may also need to check in with such faculty regularly to ensure they have adequate resources. The college must have well-developed, ongoing communication and coordination strategies with the correctional facility to consider any operational or logistical changes that may impact students' meaningful access to technological infrastructure and other learning resources necessary to achieve the institution's intended student learning outcomes. Examples of this could include library database access, laptops that students can use in multiple locations, and computer labs.

SUSTAINING POSTSECONDARY EDUCATION PROGRAMS IN CORRECTIONAL FACILITIES

Generally, a college that aspires to sustain one or more programs in correctional facilities should be evaluated under the accreditor's existing standards and requirements for resources, strategic planning, and program review and assessment.

Separately, colleges planning to discontinue an academic program in one or more correctional facilities have an obligation to teach-out their enrolled students before winding down the program, or to ensure that students have an opportunity to complete their programs within a reasonable time frame and under equitable circumstances. This is true whether continuity is achieved

through partnering with another college that waives residency requirements and allows the affected students to continue their studies until completion or another college accepts the students in transfer after evaluating the credits they have earned thus far.

Although the college's underlying obligation also applies when programming in a correctional facility is discontinued, the students' academic status often thwarts their ability to continue their studies if the program is terminated prior to completion. That is why it is important for accreditors to closely screen and monitor participating colleges and for peer reviewers to verify colleges' thoughtful planning and resource allocation so that they can reliably meet their obligations to students before terminating any prison education program.

To the extent colleges are parties to legal contracts with a correctional facility to deliver educational programming, such contracts should contemplate termination dates that, at a minimum, allow enrolled students to complete the academic program they are currently pursuing, or identify alternative colleges that would assume that responsibility.

Recruitment

In addition to ensuring that academic programs that take place in a correctional facility have clear budgets that outline sustainable support for this additional location, it is important that accreditors are mindful of how these particular students are screened for potential enrollment. In most cases, correctional facilities play a critical role in pre-screening which students may be eligible for enrollment based on factors beyond a college's admissions requirements—for example, being free from disciplinary infractions. The U.S. Department of Education has yet to create “Principles of Excellence” requirements like the U.S. Department for Veterans Affairs has for students who are incarcerated.¹⁴ Recruiting students has considerable financial implications for academic programs and, given the unique needs of the incarcerated population a college seeks to serve, it is vital that colleges play a role in the ethical and equitable recruitment and retention of students at this location.

Retention

Just as a college commits to on-campus students' long-term success, it must also do so for students who are incarcerated. Data points that compare student enrollment, retention, and completion can be a useful resource for peer reviewers. Although there could be some minor variables for change among these three points, peer reviewers should expect that well-run programs staffed with adequate resources will not experience significant changes beyond corrections-related circumstances that are outside a college's control. Though colleges have no control over corrections-related circumstances, colleges and corrections agencies are encouraged to establish a solid agreement with one another in advance of classes starting, to account for "irregularities" that could occur—such as student movement between correctional facilities, student trial dates, or use of "incomplete" grades.

COLLEGES SERVING STUDENTS WHO WERE FORMERLY INCARCERATED

Colleges committing to students from day one of their educational journey until their graduation is a common occurrence. That commitment must also be made to students who start their educational journey inside a correctional facility. In the event that a student is released prior to completing their academic credential, colleges need to be prepared to continue teaching them. Peer reviewers may critically examine the extent to which participating colleges have developed admissions policies, procedures, and student support services that specifically meet the needs of people who were formerly incarcerated and determine whether colleges actively seek to remove barriers to such students' full participation in college student life. Peer reviewers may specifically request opportunities to hear from students who were formerly incarcerated when on campus so that their experiences can be taken into account in the evaluation of the colleges serving them.

More from Vera

For a comprehensive overview of starting a college program in a correctional facility, including determining program funding, financial aid, budgets, and recruiting, enrolling, and registering students, as well as applicable worksheets, see Brian Walsh and Ruth Delaney, [First Class: Starting a Postsecondary Education Program in Prison](#) (New York: Vera Institute of Justice, 2020).

For information on how a college can recruit and retain students who are incarcerated through college, maintain their Pell eligibility, and facilitate continuing education post-release, see Allan Wachendorfer and Michael Budke, [Lessons from Second Chance Pell: A Toolkit for Helping Incarcerated Students Complete the Free Application for Federal Student Aid](#) (New York: Vera Institute of Justice, 2020).

For a comprehensive overview regarding quality measures in postsecondary education programs, including technology and other academic supports, see Ruth Delaney, Ram Subramanian, and Fred Patrick, [Making the Grade: Developing Quality Postsecondary Education Programs in Prison](#) (New York: Vera Institute of Justice, 2016).

For data on student demographics across enrollment and credentials earned during the first five years of the SCP Experiment, see Kelsie Chesnut, Niloufer Taber, and Jasmine Quintana, [Second Chance Pell: Five Years of Expanding Higher Education Programs in Prisons, 2016–2021](#) (New York: Vera Institute of Justice, 2022).

Chapter 2: Visit Logistics for Peer Reviewers and Background on Corrections Accreditation

VISIT LOGISTICS FOR PEER REVIEWERS

Scope of Work

The focus of postsecondary education accreditation in correctional facilities is squarely on all the traditional dimensions of academic quality assurance. However, peer reviewers' scope of work is centered on the accredited college offering postsecondary academic programs to students who are incarcerated, not the correctional facility itself or any of its other educational activities (for example, literacy or GED preparation programs). Put another way, the peer review team (or accreditation decision-making body, as applicable) applies the accreditor's existing standards and requirements to the college's activities within this specialized context to determine whether it is in compliance with the accreditor's requirements.

Peer reviewers who have questions about a college's effective collaboration with any correctional facility and its impact on students are encouraged to address these questions or concerns with the college during the course of their evaluation, as well as in their written report, as necessary. Concerns about correctional facility practices or specific incidents that may negatively impact students who are incarcerated should also be brought to the college's attention as part of the written report, along with any advice for the college's consideration.

Travel Logistics

Advance communication with the college under review should include a discussion of travel logistics and contact information for key correctional facility representatives with whom peer reviewers can expect to meet when they arrive. Peer reviewers who are coordinating visits inside correctional facilities may need to allow additional time and flexibility for scheduling visits as a result of institutional protocol. For example, peer reviewers can expect to need preapproval by corrections agencies well in advance of a scheduled site visit and will likely need to submit a background check form, which can take a week or two to approve. They should be prepared to show identification to corrections personnel on the day of the site visit and to disclose the reason for their visit prior to entry. The college under review should be prepared to have institutional representatives who are knowledgeable about this particular context (such as the prison education program director or other liaison) meet peer reviewers at the location.

Security Protocols

Peer reviewers evaluating colleges serving students who are incarcerated need to familiarize themselves with and be prepared to adhere to any security protocols required by the correctional facility when visiting. These protocols may include, but are not limited to, the use of X-rays, metal detectors, pat-down searches, prohibitions against potentially dangerous or destructive items, strict instructions regarding personal distance, and restricted or locked-down spaces. There may be additional restrictions at the correctional facility that the peer reviewer should be made aware of prior to the site visit. These restrictions could include what items can be brought into the facility (for instance, electronic devices, writing instruments, and medication) and what types of clothing are acceptable. Laptops typically require advance approval and cell phones are nearly always prohibited, so if a reviewer needs names and phone numbers of key contacts, they will find it helpful to bring those already written down on paper. In some contexts, particularly maximum-security settings, reviewers can expect to be escorted by security personnel throughout the duration of the visit.

Peer reviewers can be denied entry or ejected if security protocols are not followed or if the correctional facility personnel independently determine that an on-site visit would place reviewers at an unreasonable risk at that time. In the event of a cancellation, reviewers are encouraged to promptly contact the accreditor. Deference to and compliance with correctional personnel instructions are required in all cases. For these and other reasons, staff support from the correctional facility is equally important to the success of any accreditation visit.

Assuming the visit can proceed, a detailed, organized agenda disclosing all planned activities and general mindfulness of one's surroundings will facilitate an effective evaluation while maximizing personal safety. In the rare event of an emergency occurring during an evaluation, peer reviewers and college personnel should follow correctional facility staff directions to move to a secure location or vacate the premises as quickly and safely as possible.

Inspection of Facilities and Technology

Though the nature of a correctional facility tour will differ significantly from the free access that is typical of campus facilities, peer reviewers should always personally inspect spaces at a correctional facility that are intended for educational use, as well as any other student support resources regularly made available to students, while on site. In particular, spaces used as classrooms, laboratories, workshops, or other educational offices should be examined for their general conduciveness to effective teaching and learning.

Peer reviewers should inquire about how students access textbooks, what opportunities for study or out-of-class discussion with other students are available, and the extent to which students can regularly access instructors with their questions. If an online learning management system or other software is used, peer reviewers might consider accessing that technology while on site in a correctional facility (within the context of a distance education class observation, for example). They should also inquire about any current or expected constraints on students' access to the technology and the impact limited accessibility has or will have

on their studies. In short, it is important to specifically examine the nature and extent of students' access to quality education within the correctional facility while understanding in an experiential way the facility's infrastructure and technology available to the students.

Opportunities to observe classes in progress in real time, whether in person or online, may be highly useful to the evaluation. Peer reviewers should work with the college under review to obtain the class schedule ahead of their visit.

Direct Communication with Students in Correctional Facilities

Direct communication with students who are incarcerated is also key. If peer reviewers plan to talk with students during a site visit, it is important to request approval well in advance of the visit. Asking students about their educational experiences is an indispensable part of evaluating any college that serves this population. Validating the extent to which these students are receiving high-quality education, and whether they have meaningful access to instructors for academic inquiry and to necessary student support services and learning resources, requires meaningful dialogue. To be effective, peer reviewers must understand how the students' incarcerated status affects their academic experience. In addition, reviewers must verify that students who are incarcerated are able to meet the time commitments that would satisfy the college's obligation to comply with federal mandates related to credits or clock hours. Peer reviewers should determine whether the college is collaborating with the correctional facility to provide students with adequate support to be able to meet the college's minimum requirements for in-classroom and out-of-classroom academic work. For example, the college and the facility can work together to minimize internal or external transfers of students and to ensure college classes are scheduled for times when students are permitted to move in the facility.

This dialogue should center the students first, and biases regarding their incarcerated status should not constrain communication. In short, peer reviewers must not allow any social stigma associated with people who are involved in the criminal legal system to prevent the students' voices from playing a central role in their evaluation. Finally, reviewers should take care to use educational vocabulary

by referring to students who are incarcerated as “students,” rather than “inmates,” “prisoners,” “convicts,” or “offenders.”

Peer reviewers should check that colleges actively solicit students’ feedback in student surveys, such as end-of-semester teacher evaluations and the National Survey of Student Engagement (NSSE), and that their input is represented proportionally to their share of the general student population. Colleges and accreditors use information from such surveys to evaluate quality, coherence, and teaching effectiveness in their efforts to continuously improve student learning and achievement.

On-Site Workspace for Peer Reviewers and Availability of College Personnel

Peer reviewers are encouraged to request and verify long in advance of any visit to a correctional facility whether a meeting or workspace will be made available to them while on site. It is recommended that college representatives are available to peer reviewers to respond to questions in real time during any evaluation, including when peer reviewers are on site at a correctional facility. If such personnel are not part of the college’s on-site delegation, the use of technology to facilitate synchronous communications is acceptable if the appropriate technology used is accessible while the peer reviewer is inside the facility. It is recommended that at least one college representative be present on site whenever peer reviewers visit a correctional facility.

Accountability in a College–Corrections Partnership

It might also be beneficial for peer reviewers to have pre-visit access, if available, to the MOU, contract, or other document that underpins the college–corrections partnership established at that additional location. An effective partnership between a college and its correctional partner is arguably the most critical aspect of creating and sustaining a successful postsecondary education program in a correctional facility.¹⁵ Such a partnership is best characterized by a shared understanding of expectations; regular, ongoing communication; and collaboration among the parties toward optimizing the college’s goals for the achievement

of defined student learning outcomes. Ideally, such collaborations are formal rather than ad hoc so that they ensure the “best interest of students” as laid out by the FAFSA Simplification Act (including, for example, ensuring comparability of student learning outcomes, transferability of credits, stable access to qualified faculty, availability of sound academic and career advising, and the ability of students to continue their postsecondary education post-release).

Colleges are strongly encouraged to consider developing a document that memorializes what colleges and corrections facilities have agreed on for procedures to enhance and preserve the quality of higher education programs offered on site and to ensure continuity for students who are incarcerated in the event the relationship is terminated or the circumstances of a student’s incarceration change.

THE CORRECTIONAL ACCREDITATION LANDSCAPE— INFORMATION FOR PEER REVIEWERS

In addition to postsecondary accreditation, corrections agencies can choose to receive optional industry accreditation through two agencies: the American Correctional Association (ACA) or the Correctional Education Association (CEA). ACA and CEA accreditation systems do not typically intersect with postsecondary accreditation, but peer reviewers knowing a correctional location’s accreditation status could help them better understand the overall educational landscape at the correctional facility as it relates to quality.

ACA is a more than 150-year-old professional organization based in the United States with worldwide membership. Since 1954, ACA has published operational standards for a range of correctional facilities, including prisons, jails, and juvenile detention facilities.¹⁶ There are currently more than 1,300 correctional facilities and agencies in the United States that have been accredited by ACA.¹⁷ The benefits of this accreditation for correctional sites, as listed on [ACA’s website](#), are as follows:

- a. assessment of program strengths and weaknesses,
- b. establishment of measurable criteria for upgrading operations,
- c. performance-based benefits,
- d. improved staff morale and professionalism,
- e. safer environment for staff and residents,
- f. defense against lawsuits, and
- g. reduced liability insurance costs.¹⁸

Of ACA's 573 standards, 15 are specifically related to education.¹⁹ Correctional facilities provide various educational programs to people who are incarcerated, including GED preparation and vocational education.

[CEA](#) is a professional organization that has existed since 1930 and provides "leadership, direction, and services to correctional educators and institutional correctional education programs around the world."²⁰ CEA focuses on educational opportunities for both youth and adults in correctional settings, including prisons, jails, and juvenile justice facilities, and has been the only professional group advocating for these opportunities across the private sector, political organizations, and social agencies in the United States.²¹ CEA has 78 educational standards.²²

Please note that the ACA and CEA accreditations work in partnership with each other. If a correctional facility has already been accredited by CEA prior to seeking ACA accreditation, it does not need to have ACA's educational standards reaffirmed, as there is an MOU in place in which ACA formally recognizes CEA's accreditation.

More from Vera

For more information about establishing a partnership between colleges and corrections agencies using a memorandum of understanding, creating a learning environment in correctional facilities, planning for emergencies or security concerns, or applicable worksheets, see Brian Walsh and Ruth Delaney, [First Class: Starting a Postsecondary Education Program in Prison](#) (New York: Vera Institute of Justice, 2020).

Chapter 3:

Substantive Change

Colleges and higher education accreditation agencies must comply with federal regulations as related to institutional substantive change. Each accreditor will need to account for ongoing changes to the federal regulations and consider their implications for accreditation work. In addition to the information in federal regulations, accreditation agencies have their own policies and procedures that articulate their expectations for colleges to report certain program metrics; track certain types of changes related to Title IV–eligible programs; and notify the accreditor, or apply for substantive change approval, as appropriate.

Peer reviewers (or accreditation agency staff, as applicable) trained in the different areas of substantive change routinely review each college to confirm its compliance with both the accreditor’s policies and federal regulations, including those for additional locations’ activities at correctional facilities. Of course, such reviews will take into account any revised federal regulations that may be finalized to coincide with the anticipated Pell expansion on July 1, 2023.

Further considerations in reviewing a college’s effective use of a correctional facility as an additional location as defined under federal regulations may include, but not be limited to,

- the options made available for students who are incarcerated to finish the program offered when unique circumstances in their incarceration change due to, for example, being paroled or transferred to a different facility;
- the college’s plan to comply with federal teach-out regulations if it plans to discontinue a program for students who are incarcerated before they have finished their studies; and

- whether a college that is granted access to an accreditor’s notification program for additional locations under [34 C.F.R. § 602.22\(c\)](#) will be permitted to notify the accreditor (rather than having to seek prior approval) about initiating educational activities at a correctional facility and under what circumstances.²³

The following list of equally important substantive change types may be areas to consider when reviewing a college’s activities at the correctional facility, if they are relevant.

1. Academic Programs ([34 C.F.R. § 602.22\(a\)\(1\)\(ii\)\(C\)](#))²⁴

- Which academic programs are being offered and at what degree level?
- Is the college already approved for the program(s) and degree levels being offered at the correctional facility?
- How is the college offering the program to meet the unique needs of students who are incarcerated while ensuring that the student learning outcomes are comparable to those articulated for students enrolled in the identical program on campus?
- Are the college’s program offerings, including which courses are required to complete a program (whether certificate or degree), clearly disclosed to prospective students?

2. Mission ([34 C.F.R. § 602.22\(a\)\(1\)\(ii\)\(A\)](#))²⁵

- Does serving students who are incarcerated affect or change the college’s mission?
- Is serving this population of students a new permanent objective for this college?

3. Written Arrangements ([34 C.F.R. § 602.22\(a\)\(1\)\(ii\)\(J\)](#))²⁶

- Are there any written arrangements that cover outsourcing aspects of the educational program offered by a college at a correctional facility (for example, teaching is outsourced to correctional facility staff or another entity that is not certified to participate in Title IV, Higher Education Act programs as described in the federal regulation)? If so, has the college checked with the accrediting agency’s process for reviewing written arrangements with ineligible entities (sometimes referred to as “contractual arrangements”)?

4. Distance Education ([34 C.F.R. § 602.16\(d\)](#))²⁷

- Is the college approved to offer distance education?
- If so, how does the institution adapt to additional considerations for students who are incarcerated while preserving the hallmarks of academic quality in distance education? (See Chapter 4.)

**5. Credit-Based Competency-Based Education Programs/
Direct Assessment Programs ([34 C.F.R. § 602.22\(a\)\(1\)\(ii\)\(K\)](#))²⁸**

- Is the college approved to offer these types of programs?
- If so, are there any special considerations required to assess the achievement of the student learning outcomes defined in this area for students who are incarcerated?

6. Teach-Out ([34 C.F.R. § 602.24\(c\)\(2\)\(iv\)](#))²⁹

- What is the college’s plan if it is no longer able to serve the students at this correctional facility?
- Is the college offering a total educational credential (such as a degree or certificate) or only courses?

- Has the college accurately and in a timely way declared its additional location to the accreditor, including whether the location offers a total degree or only 50–90 percent of a program?
- Do students accurately understand whether they can or cannot complete a full credential by enrolling in the courses offered?

Chapter 4: Educational Modalities and Third-Party Providers

Every accreditation agency has its own standards for assuring academic quality in different educational modalities. When reviewing a college's use of a particular modality at a correctional facility, peer reviewers may want to discuss additional considerations with the college in advance of a site visit. Some of these considerations are presented below.

EDUCATIONAL MODALITIES

- What is the process for students to evaluate their satisfaction with course structure and content, and does that process include feedback on the modality? What processes are in place to ensure the confidentiality of such feedback? How often do those evaluations take place and how is the information used by the college for the purpose of continuous improvement?
- Are students given a range of appropriate educational modalities to complete their courses in line with the educational goals articulated by the college, including face-to-face, asynchronous distance, and/or synchronous distance?
- Does the college clearly disclose and explain in advance which modality will be used in correctional settings? If the modality differs from a traditional classroom model, what training takes place to ensure faculty can successfully navigate instruction within such a modality?

- If only one educational modality is made available to a student, does that modality meet the student's learning needs? Does it meet the Americans with Disabilities Act requirements?
- Does the college provide students with literature that explains the academic grievance process within the educational institution, and does that process include postal mail or other approved and equitable ways for students to file a grievance?
- What is the grade appeal process for a student who is incarcerated?
- Does the college provide students with literature about the accreditation process and how students can contact accreditors via approved and equitable means (such as postal mail) should they wish to lodge a complaint?
- If the distance education modality is used, what is the learning management system (LMS) that is used for students in a correctional facility? Is it the same as the LMS offered to students on the main campus? If the LMS is different, explain how and why.
- Do students who are incarcerated have regular and substantive engagement with their faculty? If the modality in use at the additional location differs from what is offered on campus, how does the college ensure that it promotes the achievement of equivalent student learning outcomes?
- What resources on the modality does the college provide to instructors and students to ensure optimal teaching and learning occurs?
- If third-party providers facilitate the use of a particular modality, what is the college's role in their selection and how does the college exercise oversight over the third party's role in the academic program?

- Does the college regularly evaluate its instructors and provide them with professional development in the modality they use in correctional facilities?
- What assessment and evaluation processes are in place to enable the college to understand the extent to which instruction, curriculum, student learning, and student services meet higher education expectations?
- If any issues arise based on the questions above, what processes are in place to discuss and resolve such issues within a correctional setting, including with representatives of the correctional facility?

THIRD-PARTY PROVIDERS

- If parties other than the college under review, such as one or more other colleges, have a role in the college-in-prison program, what is the nature of that role, and to what extent is the college under review exercising appropriate oversight over the third party's activities?
- If representatives of the correctional facility are involved in delivering instruction, has the college properly accounted for the proportion of outsourcing attributable to the correctional facility in determining whether to secure accreditor approval for the contractual arrangement?
- If the college purchases a program from a third party that is ineligible for Title IV, Higher Education Act funds, does it ensure that the program is genuinely and rigorously vetted by its faculty before delivering the program to students who are incarcerated?

These and other questions may apply depending on the circumstances of the college's activities within the correctional facility. Peer reviewers are encouraged to consult with their accreditor accordingly.

Afterword

A FINAL WORD TO ACCREDITORS

Despite the broad scope of higher education quality assurance, accreditors' evaluation processes must sufficiently examine specific areas of a college's operations in depth to determine whether they meet the hallmarks of academic quality.

In light of the national commitment to mitigate the devastating impact of mass incarceration in the United States and its territories, such evaluations have high stakes. Accreditors can help ensure that colleges serving students who are incarcerated are held accountable for the quality of their academic offerings in correctional facilities for the best interest of the students. Colleges that encourage a high degree of collaboration among all parties involved in the delivery of educational programming, with high engagement and support of their accrediting bodies, are more likely to be successful in this work.

Accreditors are strongly encouraged to consider the insights provided in this guide as supplemental to their own standards and ongoing changes to federal regulations as they design practical training tools for peer reviewers evaluating colleges that serve students who are incarcerated.

Additional Readings and Resources

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness, 10th Anniversary Edition* (New York: The New Press, 2020).

Alliance for Higher Education in Prison, <https://www.higheredinprison.org/>.

College Behind Bars (Skiff Mountain Films, 2019), <https://www.pbs.org/kenburns/college-behind-bars/>.

Formerly Incarcerated College Graduates Network, <http://www.ficgn.org/>.

Georgia Coalition for Higher Education in Prison, <http://gachep.org>.

Iowa Consortium for Higher Education in Prisons, <https://educateiowa.gov/iowa-consortium-higher-education-prisons>.

Massachusetts Prison Education Consortium, <https://www.teji.mit.edu/mpec>.

Reuben Jonathan Miller, *Halfway Home: Race, Punishment, and the Afterlife of Mass Incarceration* (New York: Hachette Book Group, 2021).

Rising Scholars Network, “Serving California’s Incarcerated and Formerly Incarcerated Community College Students,” <https://risingscholarsnetwork.org/>.

Tennessee Higher Education in Prison Initiative, <https://www.thei.org/>.

Unlock Higher Ed, <https://www.unlockhighered.org/>.

ENDNOTES

- 1 Lois M. Davis, Robert Bozick, Jennifer L. Steele, et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND Corporation, 2013), xvi–xvii, <https://perma.cc/59M2-498L>.
- 2 Lois M. Davis, Robert Bozick, Jennifer L. Steele, et al., “Serving Time or Wasting Time? Correctional Education Programs Improve Job Prospects, Reduce Recidivism, and Save Taxpayer Dollars,” infographic (Santa Monica, CA: RAND Corporation, 2013), <https://www.rand.org/pubs/infographics/IG113.html>.
- 3 Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, “Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-Analysis of Correctional Education Programs in the United States,” *Journal of Experimental Criminology* 14 (2018), 389–428, Table 3, <https://link.springer.com/article/10.1007/s11292-018-9334-6>.
- 4 U.S. Department of Education, “U.S. Department of Education Announces Expansion of Second Chance Pell Experiment and Actions to Help Incarcerated Individuals Resume Educational Journeys and Reduce Recidivism,” press release (Washington, DC: U.S. Department of Education, April 26, 2022), <https://perma.cc/5ABM-CTFX>.
- 5 Ibid.
- 6 Kelsie Chesnut, Niloufer Taber, and Jasmine Quintana, *Second Chance Pell: Five Years of Expanding Higher Education Programs in Prisons, 2016–2021* (New York: Vera Institute of Justice, 2022), 3, <https://perma.cc/HR92-WHN8>.
- 7 Ibid.
- 8 Benjamin Collins and Cassandra Dortch, *The FAFSA Simplification Act* (Washington, DC: Congressional Research Service, 2022), <https://crsreports.congress.gov/product/pdf/R/R46909>; and U.S. Department of Education, Office of Postsecondary Education, “Federal Pell Grant Eligibility for Students Who Are Confined in Locations That Are Not Federal or State Penal Institutions” (Washington, DC: U.S. Department of Education, 2014), <https://perma.cc/UD4E-Z5TA>. See also Docket ID ED–2022–OPE–0062, Institutional Eligibility, Student Assistance General Provisions, and Federal Pell Grant Program, 87 Fed. Reg. 45432–45506, at 45441 (July 28, 2022) (amending 34 CFR Parts 600, 668, and 690), <https://perma.cc/4GJ4-K4TM>.
- 9 Collins and Dortch, *FAFSA Simplification Act*, 17.
- 10 Docket ID ED–2022–OPE–0062, 87 Fed. Reg. at 45443–45447.
- 11 U.S. Department of Education, “Expansion of Second Chance Pell Experiment,” 2022.
- 12 Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), and Northwest Commission on Colleges and Universities (NWCCU) provided written or verbal feedback on the guidebook.
- 13 U.S. Department of Education, “Notice of Proposed Rulemaking Docket ID ED–2022–OPE–0062,” 2022, 45448–45449, <https://www.govinfo.gov/content/pkg/FR-2022-07-28/pdf/2022-15890.pdf>.
- 14 U.S. Department of Veterans Affairs, “Principles of Excellence Program,” <https://www.va.gov/education/choosing-a-school/principles-of-excellence/>.

- 15 Each state or federal correctional facility has its own regulations regarding its operation. In addition, a correctional facility could be operated by private for-profit corporations through formal arrangements with the state or federal government. Regardless of a correctional facility's status, colleges offering postsecondary educational programming in one or more locations must remain in compliance with their accreditor and Department of Education rules.
- 16 American Correctional Association, "Standards Information," <https://perma.cc/5Y8S-5FRD>.
- 17 Ibid.
- 18 American Correctional Association, "Benefits of Accreditation," https://www.aca.org/ACA/ACA_Member/Standards_and_Accreditation/Seeking_Accreditation_Home.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=ed52ffa0-24e4-4575-9242-1aa9d7107e69&ef97df3a4d5b=1#ef97df3a4d5b.
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- 23 34 C.F.R. § 602.22(c).
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- 25 34 C.F.R. § 602.22(a)(1)(ii)(A).
- 26 34 C.F.R. § 602.22(a)(1)(ii)(J).
- 27 34 C.F.R. § 602.16(d).
- 28 34 C.F.R. § 602.22(a)(1)(ii)(K).
- 29 34 C.F.R. § 602.24(c)(2)(iv).

CREDITS

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