

May 18, 2021

Secretary Miguel Angel Cardona  
United States Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Secretary Cardona,

Our undersigned organizations write to request the Department of Education's prompt implementation of restoration of Pell Grant eligibility for incarcerated students for the coming academic year. Formerly incarcerated, faith, civil rights, conservative, higher education, business, and law enforcement leaders have stressed the transformative promise of higher education behind bars.<sup>1</sup> In the 116<sup>th</sup> Congress, 68 federal lawmakers cosponsored bipartisan legislation in support of Pell Grant restoration, which was included as a provision within the Consolidated Appropriations Act.<sup>2</sup> We urge you to make implementation of Pell Grant reinstatement an immediate priority as you lead the Department of Education.

From 1965 to 1994, Pell Grant access for incarcerated students made postsecondary education a consistent feature of American prisons.<sup>3</sup> However, the 1994 Violent Crime Control and Law Enforcement Act denied these individuals access to Pell funding.<sup>4</sup> Even as college and prison partnerships declined precipitously, research would underscore the promise of correctional education for improving conduct during incarceration, public safety, and outcomes after release.<sup>5</sup> The prior administrations' development and expansion of the Second Chance Pell Experimental Site Initiative facilitated extraordinary learning opportunities among incarcerated students at select institutions.<sup>6</sup> Prompt implementation of Pell Grant restoration would increase the scope and impact of these benefits in a more permanent manner.

The 116<sup>th</sup> Congress' bipartisan enactment of Pell Grant reinstatement recognizes the innate dignity of incarcerated people and their capacity to pursue positive, constructive citizenship through postsecondary education. Moreover, Pell restoration will equip our nation's corrections systems with a vital tool in ensuring prisons as positive spaces of rehabilitation and

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<sup>1</sup> Andrew Kreighbaum, Prison Pell Grants Get Support From Big Business, Prosecutors, Bloomberg Government (March 2, 2020), <https://about.bgov.com/news/prison-pell-grants-get-support-from-big-business-prosecutors/>; Michael Starford, Congress clinches deal to restore Pell grants for prisoners 26 years after ban, Politico (December 20, 2020), <https://www.politico.com/news/2020/12/20/congress-pell-grant-prisoners-449364>.

<sup>2</sup> Restoring Education And Learning Act of 2019 (H.R. 2168 | S. 1074) (116<sup>th</sup> Congress); Expanding Educational Opportunities for Justice-Impacted Communities Act (H.R. 4073) (116<sup>th</sup> Congress); Consolidated Appropriations Act (P.L. 116–260) (116<sup>th</sup> Congress).

<sup>3</sup> Gerard Robinson & Elizabeth English, *The Second Chance Pilot Program: A Historical Overview*, American Enterprise Institute (September 2017), <http://www.aei.org/publication/the-second-chance-pell-pilot-program-a-historical-overview/>.

<sup>4</sup> *Id.*

<sup>5</sup> Max Kremer, "The Long History of College-in Prison", in Gerard Robinson & Elizabeth English eds., *Education for Liberation: The Politics of Promise and Reform Inside and Beyond America's Prisons* (Maryland: Rowan & Littlefield, 2019), 19 & "Mythbusters: Pell Grant eligibility for incarcerated students" Prison Fellowship (January 2020), [https://www.prisonfellowship.org/wp-content/uploads/2020/01/PellforIncarceratedStudents\\_MythBusters\\_Nov18\\_v10.pdf](https://www.prisonfellowship.org/wp-content/uploads/2020/01/PellforIncarceratedStudents_MythBusters_Nov18_v10.pdf).

<sup>6</sup> Robinson, *supra* note 3 & "Secretary DeVos Builds on 'Rethink Higher Education' Agenda, Expands Opportunities for Students Through Innovative Experimental Sites," U.S. Department of Education (May 20, 2019), <https://www.ed.gov/news/press-releases/secretary-devos-builds-rethink-higher-education-agenda-expands-opportunities-students-through-innovative-experimental-sites>.

accountability. Pell reinstatement will help revitalize marginalized communities experiencing crime, overincarceration, and recidivism. A RAND study showed that participants in correctional education were 48 percent less likely to recidivate.<sup>7</sup> Research documents that every \$1 spent on correctional education yields \$5 in savings on reincarceration costs—resources better used for violence reduction strategies, drug treatment, and proven public safety investments.<sup>8</sup>

The COVID-19 pandemic has heightened barriers to reintegration that formerly incarcerated people face; in a recent Council of State Governments survey, 75 percent of reentry service providers reported suspending services or closing and half fear a permanent end to operations as a result of the pandemic.<sup>9</sup> Although we have experienced many losses together during this pandemic, data shows that the most significant of these disproportionately fall on the low-income and minority communities that are most often a home to our returning neighbors.<sup>10</sup> Pell restoration will equip incarcerated students to navigate these challenges and contribute to the recovery of our communities.

The prompt implementation of Pell restoration for the coming academic year, and ensuring incarcerated students are accessing transparent and high-quality educational opportunities, will ensure these students have constructive opportunities to grow and contribute. Thank you for your consideration of this request, and the work of the Department in this demanding time.

Sincerely,

FAMM  
Prison Fellowship  
American Civil Liberties Union  
College and Community Fellowship  
Consortium of Christian Colleges and Universities  
Correctional Leaders Association  
Jesuit Conference Office of Justice and Ecology  
Operation Restoration  
R Street Institute  
Safer Foundation  
The Sentencing Project

Cc:

The Honorable Brian Schatz  
The Honorable Mike Lee  
The Honorable Richard Durbin  
The Honorable Jim Banks

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<sup>7</sup> Robert Bozick, et al., *Does Providing Inmates with Education Improve Postrelease Outcomes?: A Meta-Analysis of Correctional Education Programs in the United States*, RAND Corporation (July 2018), [https://www.rand.org/pubs/external\\_publications/EP67650.html](https://www.rand.org/pubs/external_publications/EP67650.html).

<sup>8</sup> Louis M. Davis, et al., *Correction Education in the United States: How Effective is It, and How Can We Move the Field Forward?*, RAND Corporation (2014), [https://www.rand.org/pubs/research\\_briefs/RB9763.html](https://www.rand.org/pubs/research_briefs/RB9763.html).

<sup>9</sup> Justice Center, *Survey Shows Reentry Services Halting Across U.S.*, Council for State Governments Justice Center (April 2020), <https://csgjusticecenter.org/survey-shows-reentry-services-halting-across-u-s/>.

<sup>10</sup> “COVID-19 in Racial and Ethnic Minority Groups,” Centers for Disease Control and Prevention (April 22, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>; James Politi, “What to Know About America’s Newly Unemployed,” *Financial Times* (May 21, 2020), <https://www.ft.com/content/5924441b-1cb6-4fbd-891b-0afb07e163d7>.

The Honorable Danny Davis  
The Honorable David Trone  
The Honorable James Lankford  
The Honorable Kevin Cramer  
The Honorable Virginia Foxx  
The Honorable Bobby Scott  
The Honorable Patty Murray  
The Honorable Richard Burr  
The Honorable Merrick Garland  
Director Melissa Rodgers  
Mr. Chiraag Bains  
Mr. James Kvaal  
Acting Assistant Secretary Michelle Cooper  
Deputy Chief Operating Officer Robin Minor