

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
PRISON EDUCATION PROGRAMS SUBCOMMITTEE
SESSION 2, DAY 2, AFTERNOON
November 9, 2021

On the 9th day of November, 2021, the following meeting was held virtually, from 1:00 p.m. to 3:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

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P R O C E E D I N G S

MR. WASHINGTON: The prison education program subcommittee. We're just going to dive back into the language. There were a few, well, first I'd like to welcome Dr. McTier back. I, I totally misinterpreted your email, Dr. McTier, I thought that you were going to be joining tomorrow, but I'm happy to see that you're joining that your able to join us today. And what I wanted to do was circle back to I did not take a temperature check on application requirements. I also didn't, we didn't discuss the report, and I wanted to provide a clarification on our OGC Rep. Steve Finley's recommendation in the limitation and termination of approval of a prison education program. Before we dive into the best interest piece. So if we could, Vanessa, if you could share your screen, can you go to 668.238 application requirements. Yeah. Thank you, so I just wanted to I know we have some blue comment bubbles that the Department needs to address. But here, Dr. McTier, just just as an update, we did, Vanessa, if you could scroll down a little bit, just, uh, yeah, we did add so based on your recommendation, we added back in the comment bubbles from the first session and also we responded to your your your comment about reentry counseling. And had some other recommendations made by

1 other subcommittee members to fix a few things, but I
2 just want to take a temperature check on this section to
3 see if where the subcommittee was with this section. Does
4 the Department need to address anything other than what's
5 in blue in the comment bubbles? And if you do, if you if
6 you do if you have a thumbs down, remember that, just
7 raise your hand and let us know why. I'll, pause there.

8 MS. MCARDLE: I, I see a hands up from Stan.

9 DR. ANDRISSE: So just to acknowledge my
10 comment in the, in the bubble.

11 MS. MCARDLE: And Belinda?

12 MS. WHEELER: Thank you. Nothing additional
13 just wanted to highlight the bubbles with attention to
14 that, but that's it. Thank you.

15 MS. MCARDLE: And that seems to be it.

16 MR. WASHINGTON: Alright, so it sounds like,
17 Vanessa, can you, she's already doing it. I'll give her a
18 second. And, I skipped over reporting requirements before
19 the.

20 MS. MCARDLE: One moment, Aaron. I see
21 Belinda's hand is up again. Thank you.

22 MS. WHEELER: I sincerely apologize. I just
23 wanted to double check. I think Vanessa might have
24 accidentally when she went to put that new bubble in
25 about the thumbs-down, it looked like the other bubble

1 that had the the big blue text actually accidentally got
2 deleted. So I just wanted to make sure that, oh, there
3 you are. okay, sorry my bad, Vanessa. Thank you.

4 MS. MCARDLE: okay, I think we can move on.
5 Aaron, I think you're on mute.

6 MR. WASHINGTON: Yeah, I am. Yeah. I think I
7 inadvertently skipped over reporting requirements at
8 668.239. So we've separated, so here what we've done is
9 we've separated the reporting requirements into two
10 paragraphs and updated the language. There was no
11 substantive change made. It was a technical edit for for
12 clarity. So we're still we're still recommending that the
13 that all of the reporting required the reporting required
14 by statute be outlined in a Federal Register notice as
15 published by the by the Secretary. Do we have any
16 comments on here? I'd like to mention that we have Soren
17 Lagaard as well from our general counsel's office that
18 will be replacing Steve Finely for the remainder of the
19 afternoon session.

20 MR. LAGAARD: Just until 2:00 p.m. but yeah.

21 MR. WASHINGTON: Oh okay, okay. Steve will
22 be rejoining us? okay. And so, Sophia, do we have any
23 comments on the reporting language?

24 MS. MCARDLE: Nothing at this moment.

25 MR. WASHINGTON: okay, can we take a

1 temperature check on that? Any thumbs down? I think we
2 didn't have any thumbs down last time, I just I just
3 wanted to make sure that we didn't need to revisit it. So
4 just put your hand up if you have a thumbs down.

5 MS. MCARDLE: No, no thumbs.

6 MR. WASHINGTON: okay. And the, Vanessa if
7 you can go down to the 668.240. So scroll down a little
8 more. Oh, no, you're fine right there. Can you expand
9 that comment bubble, Vanessa, where it says 11/19 Steve
10 Finely? So I misinterpreted what Steve was saying, Steve
11 was just saying to add initiates in between Secretary and
12 limits. So the sentence, obviously we'll take this back
13 and we'll propose it we'll finalize the language
14 hopefully by tomorrow. But it would say if the Secretary
15 initiates a limitation or termination of an institution's
16 approval, then they would have to submit a teach-out
17 plan. So that's just to clarify that. So I had said it
18 needs to be a cross reference, but if he was, he was
19 actually proposing to add initiates in there. So could we
20 do a temperature check on that section? If there are any
21 if there are any. I think that was the only that's the
22 only comment in there, actually. So there are any thumbs
23 down, please just raise your hand.

24 MS. MCARDLE: I don't see any hands.

25 MR. WASHINGTON: Alright, so before we jump

1 into best interest, we have one more section that I
2 wanted to look at and there were no thumbs down there,
3 but there were some changes, but just some technical
4 updates so I did want us to look at it, you know, so the
5 subcommittee to actually see it. And so it was, Vanessa
6 if you could scroll down past best interests. And right
7 there, I think we may need to make an additional update,
8 I think the best interest is 241 in this section it's
9 241. So this might this may need to be 242. But Vanessa,
10 can you put a comment bubble just a check? I'm not sure I
11 just I thought for some reason that the best interest was
12 241 as well. I could be wrong. Alright. The only thing
13 we've done here is updated the cross references. This
14 section was about the the wind down or we actually titled
15 the transition to a Prison Education Program because we
16 hope that institutions, postsecondary institutions
17 currently offering eligible programs at correctional
18 facilities will want to transition their programs to
19 prison education programs. And this will be the process
20 for the time frame for that transition process. And also,
21 you know, if if consequently, a postsecondary institution
22 decides not to transition the program to a prison
23 education program, meaning they decide not to go through
24 the requirements that we're proposing here today, then
25 they would also have this time to win the program down.

1 And all we've done here is. Put a title in and updated
2 the cross references.

3 MS. MCARDLE: Belinda?

4 MS. WHEELER: Thank you. I just had a super
5 quick question, this goes back to a clarifying question
6 that I sent this morning, and I understand that the
7 subcommittee has not had a chance to, you know, review it
8 or respond, so I definitely understand that. Just wanted
9 to clarify when we're talking about the transition to
10 prison education programs, does this include the Second
11 Chance Pell round one, two, and the threes that will be
12 joining next year? Or is this something completely
13 different? Just wanted some clarification on because I
14 understand with the Second Chance Pell they are
15 experimental, they've kind of some of them have had their
16 own deadlines, but I noticed in this text there's nothing
17 with regards to the Second Chance Pell experimental
18 sites, and I just wanted to check that I wasn't off base
19 on that.

20 MS. MCARDLE: Aaron?

21 MR. WASHINGTON: Thank you for that,
22 Belinda. We did discuss that and originally we did have
23 actual regulatory language there. But the Second Chance
24 Pell is not in regulation like we don't define that and
25 we defined it through a, I believe, a Federal Register

1 notice or other regulatory guidance. And so we thought
2 that it would be best to provide guidance on the three
3 phases of the Second Chance Pell Experimental Site
4 through a Federal Register notice or some other form of
5 self regulatory guidance. We are open to hearing your
6 thoughts, though, on, you know. How the Department should
7 amend the federal like, you know, amend the the Second
8 Chance Pell experiments, but we didn't recommend to
9 actually regulate on that. So Belinda, if you had any
10 comments that you know on that, we would we'd be willing
11 to hear them as a subcommittee.

12 MS. MCARDLE: Belinda?

13 MS. WHEELER: Thank you. Let me just sit
14 with that just for a minute, I want to check in on a few
15 different things there. I totally yeah, I just thank you
16 for that clarification because I was thinking that it
17 probably wasn't regulated, but I just wanted to make
18 sure. So I will definitely make sure that I will get back
19 if I do have language by tonight so that we've definitely
20 got that. But thank you for that. I appreciate the
21 clarification.

22 MR. WASHINGTON: Yeah. So this section is
23 really just in regards to, you know, a local jail or a
24 juvenile justice facility that is currently offering an
25 eligible program to those that are confined or

1 incarcerated in that correctional facility and the
2 process through which that institution would have to
3 either transition the program to being a approved prison
4 education program or, wind the program down. If the
5 program, if the program, if the institution did not want
6 to, did not no longer wanted to participate in the Title
7 IV programs.

8 MS. MCARDLE: No further comments.

9 MR. WASHINGTON: Okay, so I'd like to take a
10 temperature check on that again, there were no thumbs
11 down last time, but you know, if we could do a
12 temperature check by raising your hand and letting us
13 know why your thumbs down.

14 MS. MCARDLE: I see no hands.

15 MR. WASHINGTON: Okay. I think Vanessa will
16 add a comment bubble. Okay, so if we could scroll back up
17 to the best interest section, Vanessa, I think that we
18 that the last remaining section is the best interest to
19 discuss and what I've done here, I've tried to add
20 Belinda's comments, the document that you sent last night
21 at 6, 6:18 to the subcommittee I've gone through during
22 lunch and I've tried to add all of your comments
23 highlighted in blue if there is one missing, let us know,
24 I have a document, Vanessa has the document, we can throw
25 it in there in real time. The only one I wasn't sure if

1 it was yours was the "May" "Must". Vanessa, can you
2 scroll up a little bit? Is that yours Belinda, the "May"
3 "Must"? Okay, alright, okay, so before we dive in, I do
4 have something I wanted to say to the subcommittee. So we
5 discussed, we discussed during the last subcommittee
6 meeting and we have sought to clarify, define and measure
7 the specific requirements in the law related to how the
8 Departments of Corrections and the Bureau of Prison
9 assess whether a program is serving the best interests of
10 students. This is both because we know this will be a new
11 role for corrections officials who haven't typically been
12 required to measure all of the all of these metrics. And
13 because we share concern of many of the subcommittee
14 members about placing too much authority with the
15 Department of Corrections or Bureau of Prisons, whose
16 whose responsibilities go far beyond the educational
17 needs of incarcerated students. So we have a lot of
18 comment bubbles in the documents that that the Department
19 has put in for more feedback from the subcommittee. And I
20 think we should probably just kind of go indicator by
21 indicator and talk about each of them. So for the first
22 metrics we're talking about the enrollment post student's
23 enrollment post-release, and I think we have some comment
24 bubbles here, so for the subcommittee members, we
25 continue to invite research and input about these metrics

1 to ensure a floor that ensures a program is operating in
2 the best interests of students where research exists
3 about the typical outcomes of prison education programs
4 or appropriate levels of quality. And we would appreciate
5 submissions of the information from subcommittee members,
6 particularly as it relates to the metrics proposed to
7 allow the DOCs or the BOPs to define the stakeholder to
8 define with stakeholder input. So that was pretty, I know
9 we've already received some data. I think Dr. McTier
10 actually sent in some research about the benefits of
11 prison education programs, previously. And I think that
12 was posted to our website. And so for the first
13 indicator, we hope to remove the burden of calculating
14 this first indicator from institutions and instead
15 calculate it, the Department of Education would calculate
16 it and provide provide it back to institutions and
17 oversight entities. The Department proposes to allow
18 oversight entities in consultation with incarcerated
19 individuals and their advocates and accrediting agencies
20 to determine what the what an appropriate enrollment
21 level is to ensure the program meets the best interests
22 of students. And so I will pause there and open the floor
23 up for conversation on the first best interest indicator.
24 So that's, I think that's 1 now, so it's A 1.

25 MS. MCARDLE: I see no hands. Oh wait,

1 there's Stan, Stan?

2 DR. ANDRISSE: Maybe I missed it, but was
3 what was the comment on the "May" "Must"? So changing
4 "Must" to "May".

5 MR. WASHINGTON: Yeah, sorry, I have two
6 different screens open, I apologize, I didn't, I totally
7 missed that, yes, "May", "Must". I missed that I, yeah.
8 Thanks for thanks for bringing that up, Stan. So Belinda,
9 would you be able to describe describe the "May" "Must"
10 before we move on to enrollment post-release?

11 MS. WHEELER: Thank you. This was more of a
12 point of clarification here, looking at the FAFSA
13 Simplification Act and all the, you know, requirements in
14 the act it says "May" require, you know, things such as,
15 you know, employment rates, recidivism and things of that
16 nature in the in the FAFSA Simplification Act and then in
17 the language that we have here as possible, amendatory
18 language before these kind of sub points here we've got
19 the the use of the word "Must" here as supposed to "May".
20 And I just wanted clarification, you know, with regards
21 to that because, you know, and I'm not a legal person,
22 but it seems that "May" seems quite different than than
23 the "Must". And I just wanted kind of clarification on
24 that before we even got to any of the other kind of
25 bullet points there. Because to depending on the "May"

1 "Must" situation, it could potentially have further
2 ramifications for those other kind of bullet points
3 there. So just kind of want to clarify that place.

4 MS. MCARDLE: Soren?

5 MR. LAGAARD: Thank you so much, yeah,
6 Belinda. You're absolutely right, there is a big
7 difference between "May" and "Must". "May" is, you know,
8 permissive optional, whereas "Must" is compulsory. And so
9 our determination there would be that an oversight entity
10 must include all of these things that we've listed there.

11 MS. MCARDLE: Stan.

12 DR. ANDRISSE: Yes, thank you for clarifying
13 that, and That is exactly Why we want to remain with the
14 language that was proposed in the bill, which was "May".
15 I think that would offer more opportunity to programs
16 looking to start up if that were "May" as opposed to
17 "Must".

18 MR. WASHINGTON: Vanessa, can you put a
19 comment bubble into yeah say that there's a
20 recommendation to revert the "Must" to a "May".

21 MS. MCARDLE: Dr. McTier?

22 DR. ANDRISSE: To revert back to "May".

23 MR. WASHINGTON: Yes.

24 MS. MCARDLE: Dr. McTier?

25 DR. MCTIER: Hey, yes, so I agree with Stan

1 in terms of the "May" "Must". So this this might be
2 because I was not here earlier, but did we ever clarify
3 the oversight entity information? And so who's that
4 oversight entity that's going to be upholding this
5 particular section?

6 DR. ANDRISSE: It was said that we would get
7 back to that. Is is what we said at the beginning of the
8 meeting.

9 DR. MCTIER: So until we establish the
10 oversight entity, I think, that's going to dictate how
11 the rest of this plays out, and so I would like to have
12 that conversation about the oversight entity piece,
13 especially because we were all struggling with that, that
14 change yesterday with what we originally had and now it
15 was removed. And I'm still unclear on where that where we
16 stand on that component. So. And this is and I believe
17 this is one of the areas where we had a lot of pushback
18 for the Department of Education. So we really want I I
19 really want to make sure that's specified and cleared up
20 before we move on.

21 MS. MCARDLE: Stan? Stan, I think you're on
22 mute.

23 DR. ANDRISSE: Sorry about that. I was just
24 saying, yes, I would agree. This is where some of that
25 language was included. So if if added above and if we

1 have that discussion, you know there wouldn't need, there
2 wouldn't be the need to add it here because it would
3 already be added in the in the definition of oversight,
4 what the oversight entity was. So I would agree. I think
5 we need to have that conversation because it so heavily
6 weighs into all of the best interest conversation that
7 we're looking to get into.

8 MS. MCARDLE: Aaron?

9 MR. WASHINGTON: Stan, I received your
10 recommendation for the definition of oversight entity,
11 and I have put it into this, pasted it into this
12 document. I'd like to get feedback from the first, I want
13 to ask Belinda, I want to go back to the first part,
14 Belinda, are you, what was your position? Would you like
15 to Department to revert back to the "May"? Or how what
16 are your feelings about the "May" to a "Must"? Was it
17 just for clarification or did you want your name also
18 added to Stan and Dr. McTier's request to change the Must
19 to May?

20 MS. WHEELER: I think it has to. I support
21 the the "May" here. And if it goes to the "Must", I'm not
22 sure, I'm not sure why would be why we would be going to
23 the "Must" when the, you know, I certainly understand.
24 Like again, if we're thinking of equity, inclusivity at
25 this point, I'm saying that yes, with with the "May"

1 going back to the "May" because I don't see an angle with
2 how the "Must" would be more inclusive of students. But
3 again, I reserve the right to change on that. But at this
4 point, it seems a little unclear to me why we would be
5 going with "Must".

6 MR. WASHINGTON: Thank you. And I wanted to
7 just get the entire committee's feedback on going back to
8 the definition of an oversight entity. We do have until
9 three o'clock to discuss the best interest piece. I was
10 hoping that tomorrow we could kind of take the full day
11 to go back through the entire package in order to try and
12 get as few recommendations as possible, hopefully one. So
13 I did want to get through, get through the best interest
14 discussion by three o'clock today. But if, I wanted to
15 get feedback from other subcommittee members on returning
16 to the discussion of oversight entity before we before we
17 move from the best interest piece because I know Belinda
18 had a lot of, not a lot, but, you know, really, really
19 pointed comments in this section that we've added and we
20 want to make sure that we have enough time to hear
21 Belinda's thoughts and people who assisted Belinda with
22 this language, their thoughts on this. And so I will
23 pause there and hear what the rest of the subcommittee I
24 want to hear. I'd like to hear from other subcommittee
25 members if we want to table this conversation and go back

1 to talk more about the oversight entity definition.

2 MS. MCARDLE: Terrell.

3 MR. BLOUNT: Thank you. My question Aaron is
4 the definition of oversight entity what it could be for
5 PEPs or the definition that we create is what it needs to
6 be or should yeah what it needs to be? Or is it what it
7 could be?

8 MR. WASHINGTON: So we haven't had we
9 haven't discussed well, I can't remember when I received
10 Stanley's proposed definition Stan's sorry proposed
11 definition of the addition to the definition of an
12 oversight entity. But the Department hasn't had a chance
13 to go back and discuss it internally at. And again, I
14 know this is the subcommittee's recommendation, but I am
15 here to hopefully let you all know the Department does
16 have a vote at the main table and I am here to let you
17 know what the Department can implement and within the
18 statutory framework. So when the recommendation is made
19 to the main committee, there is no hopefully there are
20 very few surprises, at least from the federal negotiators
21 perspective. So we haven't had a chance to talk about
22 that decision yet, but we can discuss we can at least
23 allow Stanley to explain it here and the rationale and
24 add anything else he would like to add.

25 MR. BLOUNT: Okay, if I could really quickly

1 before it looks like Stan is next to speak, I think
2 ideally as other subcommittee members have mentioned, the
3 oversight entity should include directly impacted people,
4 both incarcerated and formerly incarcerated. I think
5 incarcerated students should have some input on the
6 colleges or programs that they're being presented with,
7 and that can kind of, you know, avoid any of the other
8 protections that we're thinking about. And then also
9 other stakeholder partners in the community that are
10 working in the best interests of directly impacted
11 people. I think when it's a more of a a group
12 conversation, it will then alleviate the concern of many
13 people, which is that the Department of Corrections will
14 be the sole, you know, entity that's making those
15 decisions. And I think just really quickly, currently, it
16 that oversight entity, although people probably aren't
17 using that terminology, I think it varies from state to
18 state. I think some states the oversight entity is only
19 the Department of Corrections, and they make the
20 decisions on which colleges they, you know, quote unquote
21 partner with or allowed to operate in the facilities. And
22 then in other states, there's consortiums where they have
23 MOUs in place, where the colleges that already teach in
24 prison, along with correction, the correction education
25 leadership make decisions on new programs that are

1 attempting to to teach in those facilities so the
2 oversight entity can be consortiums or, you know, other
3 options, of course. But I just wanted to share that that
4 last piece.

5 MR. WASHINGTON: If I could respond really
6 quickly. The the the oversight entity is, trying to find
7 it in the statutory text, but the oversight entity is
8 defined and we decided to say oversight entity only
9 because it was shorthand for something that's already
10 described in the statute. And so the statute says that it
11 will be the state Departments of Corrections, the Bureau
12 of Prisons or other entity that has oversight authority
13 over the facility. And so that that's really what we were
14 saying it was we weren't changing the definition of who
15 makes that determination. What we were trying to do is
16 just provide shorthand so we didn't continue to repeat a
17 very long sentence over and over again in the
18 regulations. And I'll pause there. I see Soren's hand is
19 up.

20 MR. LAGAARD: Thanks, Aaron. Yeah, and I
21 think you've covered exactly what we were going to say
22 that this was, you know, we were looking at the reg, we
23 were trying to make the reg more accessible, having a
24 repeated phrase that's twenty one words long come into
25 very different parts of the reg was was a lot to read and

1 to to understand. And so as part of our way of trying to
2 make the reg more accessible, we just simply took the
3 word for word definition from the statute and
4 consolidated it down to the concept of oversight entity,
5 which, you know, word for word the same. So really, all
6 this was, this was part of our reorganization was just an
7 attempt to make this this regulation more accessible and
8 more understandable. And, you know, be a way that we can
9 then get across our our point, our what, what our
10 requirements are more clearly.

11 MS. MCARDLE: Stan.

12 DR. ANDRISSE: Thank you, Soren and Aaron
13 and Terrell. So, you know, I think we just asked the
14 committee whether, you know, take a quick check on
15 whether we want to go back. You know, for me, everything,
16 I'm going to be thumbs down on all of this because we
17 need to have that conversation about oversight. And so
18 the addition that I proposed that I sent this morning
19 shortly before the start of our session is does not
20 change the statutory wording of the DOC and BOP being the
21 entity. I mean, I would, as Dr. McTier mentioned, I think
22 we need to go back to that conversation, and I can
23 certainly explain just how you know what I was proposing
24 is in addition to that definition. In that way, it would
25 also shorten this text because you are adding in some of

1 the stuff that we are mentioning, like in that first
2 point. You mentioned that, you know, to to to be in
3 contact with stakeholders. If we go back and revisit and
4 add the additions to the definition that I propose, then
5 you know, we don't have to add that additional text. So
6 you shorten the text and accomplish what Soren is
7 mentioning. So I think that we should just take a check
8 and see if the committee wants to go back and have that
9 quick discussion.

10 MR. WASHINGTON: I agree, Stan. If anybody
11 so, if there's any objection please raise your hand and
12 we will continue on with the best interest discussion. If
13 there's no objection we will go back to the oversight
14 entity definition and allow Stan to further detail his
15 proposal. I just want to tell everybody to keep in mind
16 that we do have a lot of comments in the best interest
17 section that we like to get to, not only from the
18 Department, but also Belinda. So with that said, Sophia,
19 do we see any there?

20 MS. MCARDLE: I see, I see Belinda. Belinda.

21 MS. WHEELER: It's the English major in me
22 when we truncate things to it and then we then have the
23 definition up there, we need to make sure that the
24 definition and by by placing it there. I'm sorry, but it
25 has to be, you know, and I'm not sorry. I shouldn't say

1 sorry, it has to go back. We need to clarify what this
2 "it" is. As colleagues have mentioned, I understand that
3 it's been truncated, but we've got to clarify that before
4 we then go further into the document.

5 MR. WASHINGTON: Okay, so you're proposing
6 to go back to the definition as well. Okay. Alright. Just
7 making sure. Okay, so Vanessa, if you wouldn't mind
8 scrolling up to let's see. Yes, six, sixty eight point. I
9 think, oh, there you go. Yeah, they are. Alright, so I
10 added, I'm sorry, I've added Stanley's, Stan's, I've
11 added Stan's recommendation here in the blue comment
12 bubble, and so I'll open up the floor to Stan to talk
13 more about it.

14 DR. ANDRISSE: So is it, I can't, is it
15 highlighted on the screen for others to see?

16 MR. WASHINGTON: It's in blue?

17 DR. ANDRISSE: It's not fully expanded on my
18 screen. Maybe that's just my screen.

19 MR. WASHINGTON: I don't think Vanessa can
20 zoom in anymore.

21 DR. ANDRISSE: Well, I can I can just read
22 it from what I had. I was just hoping for others to be
23 able to read it.

24 MR. WASHINGTON: Can people see, before you
25 go, the people see the blue? I feel I think Vanessa is

1 trying to do is actually keep the current definition in
2 frame.

3 DR. MCTIER: I can see the see it all the
4 way from 11/9 and then it ends with "existing PEPs".

5 MR. WASHINGTON: Yeah. Yeah. Yeah.

6 DR. ANDRISSE: Okay, now now I see it, so
7 thank you. Sorry about that. So just to this, this
8 particular text, you know, copying and pasted what to Dr.
9 McTier had mentioned before with a few additions. So, you
10 know, I propose to add a number three to the definition
11 and for it to say, "The above mentioned entities in one
12 and two will be advised by an advisory committee made up
13 of at least one of each of the following higher education
14 institutions accrediting institutions, Board of Regents,
15 higher education in prison programs, formerly
16 incarcerated individuals and or groups that represent
17 them, and a community based organization focused on
18 reentry." And furthermore, I propose that, "The advisory
19 committee will provide expert advice and recommendations
20 on decisions such as PEP approval, denial and appeals".
21 And I think to add a little bit of additional strength
22 behind the advisory committee, I was additionally
23 proposing that if the above entities in (1) or (2) make a
24 decision that is outside of the recommendation of the
25 advisory committee, that there should be some that that

1 it may jeopardize the entity's ability for the Department
2 to approve any of its existing PEPs. So to further talk a
3 little bit more about that last piece, specifically, as
4 Terrell mentioned, states such as New Jersey, New York,
5 Kansas, Georgia have these coalitions in place that are
6 higher ed in prison coalitions that kind of partner with
7 each other. There are different colleges and universities
8 that have prison education programs, and they bring
9 they've brought together a number of different
10 stakeholders at the table, and they help advise the DOC.
11 As Terrell was mentioning, many of these have MOUs in
12 place with the DOC, where the DOC is leaning on their
13 expertise, since the DOC may not be as expert in some of
14 these topics to help them make decisions. So I think with
15 the way the text

16 MS. MCARDLE: Thirty seconds.

17 DR. ANDRISSE: is this this would just be an
18 addition, that it's still the decision of the DOC or the
19 BOP, but they're advised by this particular advisory
20 committee on on the on the things that are mentioned in
21 the in the text.

22 MR. WASHINGTON: And I think, you know what
23 Stan, because this is your recommendation, I want you to
24 I know we were doing a three minute thing, but I please
25 continue if you if you know.

1 DR. ANDRISSE: That, I mean, I can answer
2 questions or thoughts from that, but I can stop there.

3 MS. MCARDLE: Dave?

4 MR. MUSSER: So, Stan, I have just a few
5 operational questions about how this would actually work
6 in practice. So let's take an example of a case where a
7 prison, a school wants to start a prison education
8 program and they want to bring it to a correctional
9 agency or the Federal Bureau of Prisons, whichever it may
10 be. And your language includes a "must" that it must
11 include at least one of the individuals from all of these
12 groups. What happens if one of those groups can't be
13 represented? Does that mean they simply can't apply for
14 the program?

15 DR. ANDRISSE: Yes, so that is something
16 that I am open to discussion about, and I agree that, you
17 know, just just the same way we were discussing "May" or
18 "Must" in the in the other part. You know, I think that,
19 the different players that are asked to be involved are
20 already involved. The only players that have not that are
21 not involved already are formerly incarcerated people. So
22 my concern with changing that would be if we add "May"
23 the party that always gets left out will be the formerly
24 incarcerated people.

25 MS. MCARDLE: Dr. McTier?

1 DR. MCTIER: So, Stan, I hear you and
2 thinking about the logistical aspect based off what David
3 just asked. I am also curious as to so what I do think
4 that there needs to be a committee in place. Which is
5 what you know, I recommended earlier on. And now I think,
6 the issue that I will probably run into is, again, what
7 David brought up is if one of those individuals choose
8 not to participate, then there's no higher education
9 being offered at all. And so for me, I would much rather
10 have education at least be offered. And so I just don't
11 want this to to really push out potential programs just
12 because they can't mark or check all the boxes. And for
13 me, that that is a concern, but then I hear the the other
14 side of me here's the who will be left out, which would
15 be the students, and it's often they are excluded. I feel
16 like right now walking on that tightrope, I don't know
17 exactly what to do. It's almost like damned if you do,
18 damned if you don't. But again, saying that "must", I
19 feel a lot of programs are not going to apply and I don't
20 know if I necessarily agree 100%. But I don't I don't
21 disagree but I don't 100% agree, either.

22 DR. ANDRISSE: If I might add to that, I
23 mean, would it be okay for me to?

24 MS. MCARDLE: Yes, go ahead. We did have
25 Terrell, Terrell had something to say as well. I'm not

1 sure did you want to respond?

2 DR. ANDRISSE: Terrell, you can go.

3 MR. BLOUNT: Okay, thank you. Yeah. Just
4 really briefly, I do think it is mandatory that directly
5 impacted people are part of it. We cannot continue to
6 make regulations and laws and decisions for a population
7 and someone from that group not be a part of it like that
8 cannot be so to the college who is in X state that may
9 not have any college in prison programs already, there is
10 a handful of them and they're entering this work for the
11 very first time. You should be not just focused solely on
12 creating your program, but seeking programs that have,
13 you know, been, I guess, implementing best practices or
14 promising practices, doing your research and literature
15 because this is shaping to, for better or for worse being
16 a field. And there's no excuse to not seek out or invite
17 formerly incarcerated people, no matter if you don't have
18 any in your state, there's organizations that exist where
19 you can reach out to individuals. So it's not. I don't
20 believe it's an excuse for a program to say, oh, we don't
21 know anyone who has graduated from a college inprison
22 program or has gone to prison and graduated, did all of
23 that education on the outside, it's not an excuse to not
24 include at least one person to be a part of that group.

25 DR. ANDRISSE: And if I might add to that, I

1 agree 100% with Terrell. You know this, you know, getting
2 one formerly incarcerated person, if that's a challenge,
3 then you may you may not that may say something else
4 about.

5 MR. BLOUNT: You don't need to be in this
6 work. You can't find one person who has been to prison
7 and has graduated from college and is immersed in this
8 work, not just anybody who graduated and they're not even
9 involved in this work. We're talking about so many people
10 that have come home and are doing justice and education
11 work. It's not an excuse and those individuals who are
12 doing the work, we will intentionally mentor and bring on
13 individuals, create leaders that can fully participate in
14 these spaces. But to those colleagues, I don't feel sorry
15 if you are not making any attempts whatsoever to locate
16 someone.

17 DR. ANDRISSE: And if I might add the other
18 piece is that this is looking to be it's not necessarily
19 it wouldn't be on you, Dr. McTier, to put this together.
20 This is something that the DOC should put together. So
21 the DOC needs to put together this advisory committee to
22 help them with the decision making of you coming into
23 their institution.

24 MS. MCARDLE: Marisa.

25 MS. BRITTON-BOSTWICK: So I think the

1 incarcerated individual is so important and being from a
2 very small rural state off the top of my head, I can
3 think of two incarcerated individuals that we would love
4 to have on this advisory board, and I think it needs to
5 be in there. And I think it motivates the incarcerated
6 individuals that we already have in our facilities to do
7 these programs and want to be part of it. And I think
8 that's so crucial and I think it needs to be in there.

9 MS. MCARDLE: Dr. McTier.

10 DR. MCTIER: So so that's for the students,
11 and so I think we understand and I do agree that I do
12 believe the students need to be at the table. Thinking
13 about all the other entities within that we're
14 recommending or requesting be at that table. We're making
15 it mandatory that those individuals also because I hear
16 the student aspect and I 100% agree, but then I'm
17 thinking about the higher education institutions, the
18 accrediting agencies, board of regents, all of those
19 particular individuals also weighing in. And then the DOC
20 having to go get all of those, you know, connect those
21 dots. Correct me, if I'm wrong, the DOC is not in
22 education, and so I don't even know if they would know
23 where to start to even make those connections for like
24 accredited accrediting agencies, board of regents, et
25 cetera. So I don't know. I'm just trying to I'm trying to

1 make sure that we are looking at it from all angles
2 before we just say, yes, this is what we're going to do,
3 "Must". And so we I agree with the student aspect that
4 they need to be at the table. I am on board with that.
5 The other piece of that is you're saying "Must" and so
6 we're listing all of these other agencies. That's the
7 part where I'm also kind of like we're relying heavily on
8 the DOC to do all of that and I'm a little shaky on it.

9 DR. ANDRISSE: So if I might.

10 MS. MCARDLE: I don't know if Marisa had
11 something to add before you responded, Stan.

12 MS. BRITTON-BOSTWICK: Sorry, Stan, I do
13 have one thing to add. My main point before was that you
14 can find incarcerated individuals. I mean, that's not
15 even possible that you couldn't find them in a state,
16 especially in a lower population state, so I just wanted
17 to get that across. But also, I think that this does need
18 to fall on Department of Corrections in some form and if
19 it doesn't, it's going to be forgotten. And I I think
20 that could be very dangerous because I I think people
21 could really fall between the cracks. Thank you.

22 MS. MCARDLE: Stan.

23 DR. ANDRISSE: So thank you, I'm open to
24 discussing some of those other players, particularly, of
25 course, focusing that, as we mentioned, that formerly

1 incarcerated people be part of it. The players such as,
2 you know, it goes back to a question that I asked Aaron,
3 I think back in October is what did we envision would be
4 this how one of these things would get started, right? So
5 is it the DOC that's starting it? Is it a university
6 that's starting it, that comes and approaches the DOC? Is
7 it a community organization that, who is the start of it,
8 right? So let's say there's a state that doesn't have one
9 started yet, and we regardless of who starts it? Right?
10 The university needs to be in the conversation already
11 because they're going to be in the conversation. If it's
12 the first program, then they're in the conversation
13 already. They are that first program. So, you know, once
14 that conversation gets started, the university is already
15 there. The accrediting agency is already part of this
16 conversation. It already needs to be part of what
17 accepts, you know, the program. Its inclusion in other
18 parts of the language. So I mean, those players are there
19 because they would be helpful to assisting the DOC in
20 areas that they may not be familiar in and that we're
21 asking the DOC to do, you know, the Board of Regents,
22 that was something that is part of the list of states
23 that I that I listed that have entities like this in
24 place. They have representation from the Board of Regents
25 on there. That's a new player that's not really already

1 part of it, but can come in and valuable in different
2 valuable places. The community based organization is
3 something that you know is lacking, and Terrell and
4 Belinda can maybe speak to this on how there's been so
5 many instances of people leaving prison education
6 programs and just being thrown out into the wild, per se,
7 and not being guided into how to get back into school.
8 So, I mean, just having those entities in place and I
9 mean, we're asking them to do other things as well. And
10 so I think this is will help in these other best practice
11 issues and just in a number of different places. But
12 again, I am open to thinking about, you know, you know,
13 some of those other stakeholders, but certainly the
14 formerly incarcerated stakeholders, you know, need to be
15 part of it.

16 MS. MCARDLE: Dr. McTier.

17 DR. MCTIER: Was Dr. Paccione, I saw her
18 hand first. So did she want to speak before I did?

19 MS. MCARDLE: I did not see her hand, but
20 yes, go ahead Dr. Paccione if you were first.

21 DR. PACCIONE: Yeah, thank you very much and
22 thank you, Dr. McTier. And I agree completely with what
23 Dr. McTier's intention making sure that we have the
24 formerly incarcerated. With the "Must" is also a little
25 bit tight for me. And then and then there's it feels like

1 there's a bit of redundancy if we're going to have the
2 higher ed institutions and the Board of Regents. That
3 could be a redundancy. In Colorado, we only have one
4 Board of Regents, and that's where the University of
5 Colorado system. I don't know if other states are
6 similar, so board of trustees would be maybe more
7 inclusive. So that would include other of our systems and
8 perhaps we may want to even include or their designee. So
9 our board of trustees, that's all volunteer and we we ask
10 a lot of them already, so maybe their designee could be
11 in there. And then just deciding whether there's a
12 redundancy between having the institution and and a board
13 member. So those are the comments I want to make. Thank
14 you.

15 MS. MCARDLE: Thank you. Now, Dr. McTier and
16 then Marisa.

17 DR. MCTIER: So I wrote that same thing down
18 about not every institution has or every state has a
19 board of regents, but also with higher education in
20 prison programs starting, not all Board of Regents and
21 Board of Trustees actually agree with the establishment
22 of higher education in prison programs. And so I think
23 it's also important that that "Must" is very concerning
24 for me because of those those nuances that exist. We
25 don't know what relationships or partnerships exist

1 outside of the institution. Right. And many of the boards
2 are made up of community members. And so I just want us
3 to consider at that point. The other piece that I was
4 going to add as I'm thinking through this now with this,
5 this addition is, alright, say we add all of these
6 elements. There's no time frame. So we know that
7 sometimes the DOC moves extremely slow with with things
8 and so requiring them to get all of these entities in
9 place. If I'm submitting an application and now I got to
10 wait until they decide to move the ball and they can just
11 say, hey, we reached out and we're still waiting. That
12 could take months and possibly years for this program to
13 get up and running. So again, my concern is with this,
14 "Must" I hear that we do need students at the table. I
15 think we're all in agreement with that. But again, some
16 of these other key players now adding in this time frame
17 and thinking about what David talked about is this
18 process. I feel now we're going to we're just now we're
19 getting into the weeds. And so I don't want to get into
20 the weeds. I do think we need to recommend that, you
21 know, these people be at the table. At what process, I
22 don't know. And now I feel like now we're diving deeper
23 and getting deeper than we necessarily need to be, but I
24 do think that the DOC, we're giving all of this and
25 placing all of this on the DOC to handle an application

1 when they might not even want the program to be there. I
2 don't know.

3 MS. MCARDLE: Marisa.

4 MS. BRITTON-BOSTWICK: I just have a couple
5 of questions that I need people's expert advice on from
6 the subcommittee. Can there be some of these entities
7 that are "Must" and some that are "May"? And also in a
8 small state like ours, and I mean, I have to tell you,
9 Stan and Dr. McTier and Terrell, I'm so impressed because
10 in smaller states, we don't have these robust community
11 based organizations for reentry. And in some smaller
12 states, they don't even really exist. And so that really
13 concerns me who we build this bridge with on the way out,
14 and I don't want it to be just something that's written
15 down as a community based organization. If we could work
16 on some wording on exactly what that would look like in
17 smaller states where it's not so robust. Thank you.

18 MS. MCARDLE: Stan.

19 DR. ANDRISSE: So thank you, Marisa, and Dr.
20 McTier. I would I would be for, you know, working through
21 what should be "May" and what should be "Must". Again,
22 you know, pointing out that I think the formerly
23 incarcerated person or groups should be a "Must". And you
24 know, back to I mean, to to the I think, you know, the
25 "May" or "Must" could solve that issue, but I think that

1 you personally, if you don't have that connection, it's
2 going to cause issues to not have a reentry type of
3 organization that are partnering and I mean, we could
4 even expand it or put some type of language in that says
5 that it doesn't have to be an entity from your state,
6 particularly in that area. It can be a national
7 organization that that works on that. And this is, you
8 know, this is they're not going to be providing services
9 per se. This is just to advise. So it's not saying that
10 they're going to be providing services.

11 MS. MCARDLE: Belinda.

12 MS. WHEELER: Thank you very much. I'm just
13 going to really briefly wear two hats here, if I can. In
14 my past experience, if it wasn't for a community based
15 partner and my brother, Jay Holder and Healthy Routines
16 when I was at Claflin University, we never would have had
17 the synergy that we had. Like Healthy Routines, the
18 community partner brought my institution, Claflin
19 University, to the table with Corrections and we had this
20 three based, you know, kind of partnership. And Jay, my
21 brother, you know, brought Stanley in and, you know, it
22 worked beautifully. So I've had the advantage of seeing
23 how an organic process has worked really well. So in a
24 lot of ways, I see a lot of value to, you know, to what
25 Stan is saying here, wearing my other hat with Vera where

1 I'm now, you know, very happily placed. I've seen a lot
2 of this organic kind of side of things, and I've also
3 seen some things that weren't, you know, as didn't go
4 perhaps as well, whether it's, you know, current current
5 educational institutions in the prison education space or
6 those that are thinking of going into this space. I do
7 definitely see myself aligning a little bit like
8 definitely understanding that, yes, we need to define
9 this, and I very much hope that maybe tonight we can go
10 backwards and forwards via email, perhaps with the
11 subcommittee to kind of get something down for like that
12 recommendation for tomorrow. Perhaps I see myself perhaps
13 a little bit more aligned with Dr. McTier and Angie with
14 SHEEO in the sense of perhaps a hey "May" here again just
15 for that more organic. But I can also see how, you know,
16 some people would definitely I see merit in perhaps, you
17 know, some "Must" there too. So I would definitely love
18 the opportunity with my colleagues to kind of, you know,
19 think a little bit more about this and perhaps we can in
20 an email exchange if that's permissible to the
21 subcommittee. Kind of go backwards and forwards on this
22 and perhaps have something, you know for the morning
23 where we've got a little bit this there. That's not to
24 silence the conversations that we're having now. I think
25 that these are really important. Yeah, that's it for me.

1 Thank you.

2 MS. MCARDLE: Soren.

3 MR. LAGAARD: And Belinda, exactly what
4 you're saying now. I think you the Department really
5 appreciates all this feedback that we're hearing, and I
6 think we want to evaluate some of the legal and policy
7 implications tonight. And then we would love to also get
8 back to this this subcommittee tomorrow morning.

9 MS. MCARDLE: Angie, is your hands still up?
10 Alright, Stan?

11 DR. ANDRISSE: I mean, it sounds like we are
12 mostly I mean, I haven't heard an opposition to saying
13 "Must" for the formerly incarcerated person or group.
14 There has been some, you know, you know, consideration
15 around saying "May" for the other groups. But I mean, it
16 sounds like we are all in agreement with "Must" for
17 formerly incarcerated persons or groups. So I mean, I
18 would propose to change it to just say that is the one
19 group that is "Must" and then the other groups could be
20 "May".

21 MS. MCARDLE: Dr. McTier.

22 DR. MCTIER: I would probably add that with
23 the student, there needs to be maybe it established,
24 maybe the higher education program would need to also be
25 "Must". So that way that there's that level of expertise

1 that exists with the application process and that
2 knowledge of the educational program that's going to be
3 established along with that student voice there. And so I
4 do think that while we bring the student to that "Must",
5 we might need to bring the the higher education
6 institution to that table that "Must" as well. And then
7 the others could potentially be "May", depending on if
8 their available available or if they're even in existence
9 at that the table or in that state.

10 MS. MCARDLE: Marisa?

11 MS. BRITTON-BOSTWICK: Okay, I could be
12 missing something here. But in the entity, the
13 corrections education would also be a "Must", would that
14 be right?

15 MS. MCARDLE: Dr. McTier, I think that was
16 to you.

17 DR. MCTIER: Oh yeah, whoever the yeah. I
18 would say the definitely the the individual at the prison
19 is is.

20 MS. BRITTON-BOSTWICK: Or at the DOC level?

21 DR. MCTIER: Yeah, at the DOC level and then
22 the person, the institution that's putting in the
23 application, I think would need to be at that table as
24 well.

25 MS. BRITTON-BOSTWICK: Yeah.

1 MS. MCARDLE: Marisa, is your hand, oh,
2 okay, Stan?

3 DR. ANDRISSE: I mean, I think I mean, there
4 would need to be you know, I mean, the consideration of I
5 mean, the way that I was thinking of it is that this will
6 be a board of sort. I mean, we don't have to define a
7 time that they meet and that nature. But you know, for
8 instance, the prison education person is a higher
9 education person. And so those kind of are both, you
10 know, could satisfy both. But you know, I would just
11 additionally add the thinking of if this were an advisory
12 group, you know what would be the concern about the
13 actual entity that may be applying or that is part of an
14 appeal? You know, maybe that person would need to know if
15 that would be a conflict of interest within within that
16 within that process.

17 MS. MCARDLE: Marisa?

18 MS. BRITTON-BOSTWICK: So one additional
19 thing, I think this needs to be very streamlined and very
20 clear because a lot of hands get in the cookie jar and
21 then what then what we're really trying to do is lost.
22 And that would be my main concern that we don't have so
23 many people in there. And then when we do, if we do, it's
24 very defined. That would be my main thing to say, so
25 thank you.

1 MS. MCARDLE: I see no other hands, Aaron?

2 MR. WASHINGTON: Oh, yeah, I think we did
3 get a question. So Stan, can you just expand on how this
4 will work for the Bureau of Prisons? Like how this
5 framework will work for the Bureau of Prisons?

6 DR. ANDRISSE: So I think if we don't have
7 it be a restriction of that, the entity has to be in that
8 state. I mean, so for the Bureau of Prisons, they can
9 look nationally to meet these requirements.

10 MR. WASHINGTON: Okay.

11 MS. MCARDLE: I believe Dave was next, and
12 then Angie and then Marisa.

13 MR. MUSSER: Another sort of operational
14 question for you. Did you have in mind that the
15 Department would essentially check to be sure that the
16 that the institution identified the advisory committee
17 and expressed who was representing which roles? Is that
18 sort of what you had in mind for what what we would do to
19 approve a program on this basis?

20 DR. ANDRISSE: Yeah, so that the Department
21 would would ask that DOC have this in place. So when when
22 a program is looked to be approved to be let into a
23 correctional facility and and the DCO puts together the
24 application to send to the Department, the Department
25 would need to check off and say that do you have the

1 advisory was the advisory committee part of this
2 decision? And if they didn't have that, then that would,
3 you know, they would have to have an advisory committee
4 in place.

5 MR. MUSSER: Alright, thanks.

6 MS. MCARDLE: Angie?

7 DR. PACCIONE: Yeah, thanks, and you know, I
8 think it could be in the Department in consultation with
9 the SHEEO because we convene, we work with all of the
10 folks essentially that are on that list in terms of the
11 advisory committee. So to make it easier to actually
12 populate this advisory committee, you know, the SHEEO
13 works with the institutions of higher ed, we work with
14 the board of trustees, we work with the higher ed and
15 prison programs. And so so, you know, to make it easier
16 to actually populate this advisory committee, maybe we
17 say, you know, the Department of Corrections or the board
18 in consultation with the the SHEEO, forms this committee
19 something, something to that effect.

20 MS. MCARDLE: Marisa.

21 MS. BRITTON-BOSTWICK: So just to be clear,
22 I think Stan said this before, but if we couldn't find a
23 community based organization within a small rural state,
24 we could have someone national on there that we contract
25 with or they could be on our advisory board. It wouldn't

1 have to be. Not everyone on the "Must" or "May" list
2 would have to be in your state. Is that correct?

3 DR. ANDRISSE: I would say if it's not, I
4 mean, if we don't add into the language that it needs to
5 be state or, you know, if we don't have that to the
6 language, then yes, they would be free to do it. I think,
7 I mean, that goes back to that question of trying to add
8 additional clarification, sometimes add just more
9 complication. So I mean, not not saying it says that,
10 yes, you could you could look in your state or
11 nationally.

12 MS. MCARDLE: I see no other hands at the
13 moment. Aaron?

14 MR. WASHINGTON: Okay. I think I think we
15 can conclude this conversation and go back to the best
16 interest piece. I think we can still discuss the best
17 interest in in the context of the way the Department has
18 proposed now. Also, I mean, we, you know, in the context
19 of how Stan has it defined here, you know, like probably
20 just remove the, you know, input from relevant
21 stakeholders and just keep the keep with the definition
22 of oversight authorities, so at least we can talk about
23 each of the indicators. And people's thoughts on the
24 indicators just in general, you know, as opposed to
25 coming to a determination today, whether we're going to

1 go with the oversight entity as it's defined in yellow or
2 the oversight entity as defined in yellow and with a with
3 addition to the blue. And I did hear that we're going to
4 the subcommittee is going to be emailing back and forth
5 tonight to really determine which are a "Must", which are
6 a "May" and provide a Department either tonight or
7 tomorrow with, like the final proposal. So hopefully we
8 can move to the best interest piece at least and talk
9 about those. Alright, so for enrollment post-release, I
10 wanted to open up the table to discussion on this. I
11 think there is there's one, there's there's some there's
12 there's a question that we did have, though. So if we
13 were to define it as whether the rate of confinement
14 corresponding to visible continuing their education post-
15 release as determined by the percentage of students who
16 reenrolled in higher education reported by the Department
17 of Education. So we would report that to the Bureau of
18 Prisons, the State Department of Corrections, or whatever
19 oversight entity that we ultimately decide is how we
20 define define that meets the thresholds established by
21 the oversight entity with input from relevant
22 stakeholders, which must include incarcerated students,
23 formerly incarcerated students, organizations
24 representing incarcerated students and accrediting
25 agencies. And the Department is currently exploring

1 feasibility of ensuring that the Department can calculate
2 this data. And one challenge will be the need for
3 additional reporting of data on Pell recipients who were
4 later released from a facility. So we do invite feedback
5 on that, specifically how your ideas on how the
6 Department could get the release date of and confined or
7 incarcerated individual that was enrolled in a prison
8 education program.

9 MS. MCARDLE: Oh, Dave, I'm sorry, I was on
10 mute. Dave?

11 MR. MUSSER: No problem. So, yeah, this this
12 question is. I think it's directed both at Dr. McTier and
13 Marisa, and it's it's really about do do you think it's
14 possible for us to create a reporting mechanism given all
15 of the the laws that are in place, which I personally am
16 not familiar with privacy laws, other kinds of
17 considerations for incarcerated individuals to for the
18 for the correctional agency to provide to the Department
19 information about whether a Pell recipient has been
20 released over a particular time frame? Because that is
21 what the Department would need in order to perform this
22 calculation itself. We really, without having information
23 about who is released, the what we would be able to
24 report is of much less value because it's of the entire
25 population of incarcerated individuals, including those

1 who don't have an opportunity to continue their education
2 post-release.

3 MS. MCARDLE: Marisa.

4 MS. BRITTON-BOSTWICK: Would it only be data
5 if if they were released or if they moved into a career
6 or if they moved into a postsecondary? I mean, it's easy
7 to tell who's released, but it's hard to tell what
8 happens if they're not on probation and parole after
9 they're released.

10 MS. MCARDLE: Dave?

11 MR. MUSSER: So. I think having that
12 additional layer of data would likely make it more
13 accurate, but without that, we would simply be reporting
14 on, of the individuals who were released, which of them
15 ultimately continued their education because the
16 Department does have that that latter piece based on our
17 FLDS data.

18 MS. MCARDLE: Marisa.

19 MS. BRITTON-BOSTWICK: So unfortunately, it
20 is very hard to follow people once they're released. In
21 the perfect world, we'd love to follow them and see all
22 the amazing successes that they do. But unfortunately,
23 what we usually see is when they come back and if they
24 don't have any paper time or anything like that when
25 they're released from a correctional facility, it is hard

1 to know if they went into a career or use their Pell
2 funds to follow more postsecondary education. So that
3 would be challenging.

4 MS. MCARDLE: Stan.

5 DR. ANDRISSE: I would agree. And just drop
6 the point of why it is important, being a formerly
7 incarcerated person, I didn't want anything to do with
8 the DOC after after I left, so of course you couldn't get
9 a hold of me. I was trying not for you to get a hold of
10 me. So that's that's the importance of having formerly
11 incarcerated people and community based organizations
12 because you know, they can help in those types of
13 situations and connecting. I mean that that's the only
14 point that. Yes, I agree that it's hard to and it's
15 because a lot of times it's intentional.

16 MS. MCARDLE: Dave?

17 MR. MUSSER: No, thank you for that, that's
18 helpful, I think then that brings us back to the original
19 question, which is that in order for us to make this a
20 requirement and calculate the rate ourselves at the
21 Department, I think we would need to as a condition of
22 offering the prison education program, the Departments of
23 Corrections would have to agree to provide the release
24 data to the Department. Otherwise, we would have
25 inconsistent data among different programs. So that's the

1 other piece I wanted to ask is that is that conceivable
2 that we could get that kind of agreement from
3 correctional agencies to obtain this information
4 consistently?

5 MS. MCARDLE: Marisa.

6 MS. BRITTON-BOSTWICK: So and I might have
7 missed this, but we would have to clarify what that
8 release data is. What what does that entail? And do we
9 know that, did I did I miss that somewhere?

10 MR. MUSSER: No, no, we don't we don't know
11 it specifically yet. And that's I mean, that's probably a
12 further conversation, but let me just throw out something
13 to give at least something to talk about. So, for
14 example, at the time that the the reporting occurs, the
15 Department would and this is kind of how it works for
16 loan reporting, for enrollment, reporting for four
17 students with who are loan recipients. We would say over
18 time frame, we we are aware of these individuals who
19 received Pell Grants that your institution who were who
20 are at this at this facility. Can you can you tell us
21 which of these individuals have been released? So it
22 would be essentially a list of individuals that you would
23 identify those who had been released over that time
24 frame. And that and in that way, we could then start
25 counting those individuals on our list of people who

1 potentially could obtain go into other education
2 following release.

3 MS. MCARDLE: Stan?

4 DR. ANDRISSE: I'm sorry that was up from
5 last time.

6 MS. MCARDLE: I know Terrell, let me just
7 check Terrell, is your hand still up or did you put it
8 back down?

9 MR. BLOUNT: I put it back down only because
10 David, I believe, had clarified in his example, and I do
11 believe if you're simply you simply are requesting
12 release data in the sense of we know that X people X
13 amount of people receive Pell Grants or draw draw down on
14 Pell Grants at your institution within your PEP if you're
15 looking at like what the date of release was for those
16 individuals, then that is something not even I think that
17 is something that of Corrections Departments can provide.

18 MS. MCARDLE: And, Marisa.

19 MS. BRITTON-BOSTWICK: So just so I have
20 this clear. So all Corrections would have to provide is a
21 release date and then after that, the Department would
22 take over. I think that's very feasible. Anything really
23 after release date, though, is is hard to guarantee. I
24 would just reiterate that.

25 MS. MCARDLE: Yes, Dave.

1 MR. MUSSER: Okay, I think I think that
2 makes sense. And the other thing I wanted to clarify is
3 it would be something that had to be reported and just
4 check me if I have this wrong, by the Corrections agency,
5 not by individual prisons, because of the possibility of
6 transfer among among the state or among federal prisons,
7 if it was the Bureau of Prisons, right?

8 MS. MCARDLE: Marisa?

9 MS. BRITTON-BOSTWICK: Well, speaking for
10 Montana, and I could be wrong, but we sometimes ship all
11 throughout the state, out of state, so it would have to
12 come from where their DOC sentence originated. If I could
13 be wrong, but that's who would have to report out the
14 release data. But I can check on that.

15 MR. MUSSER: And yeah, I think that's the
16 key factor for me is that the Department also has to know
17 who to ask so that we have the right or the correctional
18 agency has to sort of field that for us to get the to get
19 the right data. So that's the other piece I would ask
20 about feasibility on.

21 MS. BRITTON-BOSTWICK: Okay, I will look
22 into that. Thank you.

23 MS. MCARDLE: Terrell?

24 MR. BLOUNT: Yes, I know it seems it may
25 seem minuscule. And I know you didn't mean any harm in

1 it, Marisa. Can we use "transfer" instead of "ship" since
2 we are talking about people and not cargo or goods?

3 MS. BRITTON-BOSTWICK: Yes, and I have
4 learned so much during this, so thank you so much, I I
5 appreciate it and that will we just say certain words and
6 yes, that will be changed. Thank you.

7 MS. MCARDLE: Is your hand still up, Marisa?
8 Okay. I see no more hands at this point. Aaron?

9 MR. WASHINGTON: Yeah. David, did you have
10 anything else on this or should we move to job placement?

11 MR. MUSSER: Nothing else on this one?

12 MR. WASHINGTON: Alright, thank you.
13 Alright.

14 MS. MCARDLE: We see Belinda.

15 MS. WHEELER: Sorry, Aaron. There was a
16 bullet point, yes, that I just had there, which didn't
17 collate with what David was saying. So I wanted to make
18 sure that I give voice to it before we go to job
19 placement rate. Just to ask for the subcommittee's
20 consideration for this, that if indeed this data point is
21 going to be collected, you know, by the Department in
22 order to determine operating in best interests of
23 students. One of the things that I asked for the
24 subcommittee to consider is that we include
25 racial/ethnic, gender, and disability data for

1 enrollments, completions, and outcomes to ensure that
2 there's indeed equity and inclusion in the prison
3 education programs and post-release programing. So I just
4 put that as a as a potential recommendation, if possible,
5 for the subcommittee's consideration. Thank you.

6 MS. MCARDLE: We have Stan and then Marisa.
7 Stan.

8 DR. ANDRISSE: Yes. So. So I just not quite
9 understanding this one. And also, we didn't really so so
10 what is being required? We're saying that all the deals,
11 all that needs to be required is the exact release date
12 and then the Department of Education will do what? And I
13 have more to my question, so.

14 MS. MCARDLE: Okay, shall we go to Dave
15 first to clarify?

16 MR. MUSSER: Sure, thanks. Yeah, it's a good
17 question, Stan. So the idea at least and we're still
18 working on feasibility on our side as well is that we
19 know who the Pell recipients are so we can give that list
20 to the Departments of Corrections so that they can tell
21 us who of those have been released. We know then through
22 enrollment reporting that all institutions are required
23 to perform for Title IV recipients, who is enrolled at
24 eligible institutions following the time frame where they
25 received Pell as an incarcerated individual. We would

1 then put that into our annual report that we're required
2 to to make by Congress and or and this is this is another
3 thing that we're still working on about how this would
4 work, provide it to the entities that are involved in
5 making the determinations about the best interests of
6 students. So either they would consult the annual report
7 or they'd have this data point upon request or some, some
8 very some variety of those things. But we would find a
9 way to get it to the entity that makes that decision.

10 DR. ANDRISSE: Okay and so you from that
11 data, you have the means to calculate whether a student
12 who's been released from a PEP is still in or not in a
13 program of higher education, right? And so you can
14 determine some rate for that particular program of how
15 many of those students are still in. So then my my follow
16 up, the additional question is to the the the ending part
17 of this particular one where it's saying, you know, the
18 meets threshold established by oversight entity, which
19 essentially are the stakeholders that we are in
20 conversation about from just our conversation a moment
21 ago. But my question is, what is this what is what
22 threshold what what is the value of adding that? And what
23 are you thinking about in that?

24 MR. WASHINGTON: I, you know, I can Dave, I
25 don't know if he wanted to weigh in there, Dave, I can.

1 MR. MUSSER: I'll defer to Aaron on this
2 part.

3 MR. WASHINGTON: I think the threshold will
4 be established by, you know, we have that, we have our
5 current definition of oversight entity, you know, that,
6 you know, keep in mind Stan it doesn't include your blue
7 language, but as currently defined, it would be the
8 threshold would be established by the Bureau of Prisons,
9 State Department of Corrections or other oversight or
10 other entity that was had oversight authority over the
11 over the correctional facility, whether that be a
12 juvenile justice facility or some other local jail or a
13 work farm or reformatory. So they that entity, as
14 currently written, would be responsible for establishing
15 the threshold.

16 DR. ANDRISSE: So conceivably then
17 thresholds could be different state by state, depending
18 on what the entity decided they wanted to be their
19 threshold?

20 MR. WASHINGTON: Here it looks, here, the
21 Department was trying to provide the flexibility to the
22 oversight entity to establish a threshold. And then and
23 then, as David mentioned, it would be all of this would
24 be reported to the Department of Education through an
25 annual report. And in fact, I think there's another part

1 of the regulation that requires the terminations to be to
2 be reported to the Department within we'll see, we'll see
3 it, we'll see it soon but I think it's within 30 days.
4 Yeah, it has to be submitted to the Secretary no later
5 than 30 days following the completion of the evaluation.
6 So we'll have annual reporting, we'll have reporting from
7 the DOC, BOP when they make the determination. So
8 there'll be reports to the Department about the
9 thresholds that were utilized.

10 DR. ANDRISSE: And you know, I think to
11 Belinda's point about inclusion of racial, ethnic, gender
12 disability groups, I think, you know, Terrell and Belinda
13 possibly could speak you know, there's it's known that
14 one of the complications in these programs often is that
15 despite corrections being made up of 70 to 80 percent
16 people of color, a lot of times these prison education
17 programs are primarily white people who are in the
18 program. And I think that's, you know, an importance of
19 including those relevant stakeholder groups to be part of
20 that acceptance of the program. I just don't, I mean, it
21 just seems I'm not sure what the I still don't really
22 know what the value of saying threshold is. I mean, you
23 know, if it's going to be different from other groups and
24 I think also I just wanted to point that, will this be so
25 once, David, you know, something is calculated, is the

1 idea to then say that certain group certain programs
2 don't meet a threshold and thus they are in jeopardy of
3 their program not continuing? And I would be against
4 that.

5 MS. MCARDLE: Okay, we have Angie that's
6 been waiting and then maybe we can go to David for a
7 response.

8 DR. PACCIONE: Yeah, thank you. I just
9 wanted to support Belinda's recommendation about
10 disaggregating the data, and I'm not sure if that's
11 already being done in any of the reports that are coming
12 out, but I think that's that's critical for higher ed to
13 know what the success is of the programs and and to
14 ensure equity. So I just wanted to really support that.

15 MS. MCARDLE: Dave and then, Marisa.

16 MR. MUSSER: So. Yeah, I don't want to speak
17 for for Aaron, on the threshold component. From from our
18 perspective at FSA, we want to be sure that the
19 information is available and if if we're able to
20 calculate this rate, I think the other consideration is
21 we'd want to be sure that the it's publicly available
22 given our statutory obligation to publish that annual
23 report by program. So I will leave it to Aaron on the on
24 the threshold component. And really my part of this is to
25 ensure that we we can we can allow a correctional agency

1 to create a threshold, whether we require them to or not,
2 is a policy consideration that you guys should talk
3 through. I did want to talk for a moment about Belinda's
4 recommendation here and that, so everything that I've
5 discussed so far presumes that the only kind of reporting
6 that we would need into in addition to what we're already
7 collecting through administrative data to calculate this
8 rate is that release date. To disaggregate this
9 information, we would also have to collect some of this
10 information in addition to what we normally collect
11 through through our various systems of reporting
12 disbursement, amounts and enrollment, et cetera. Some of
13 these things are not things that we normally collect, and
14 we would have to do again looking at feasibility for some
15 of them to ensure that we are able to obtain them. For
16 example, would we need to seek the students consent to
17 obtain some of this? How much are we are going to be able
18 to do with these? So I just want to I certainly support
19 the idea, and I would like to see a report that includes
20 as much disaggregation as we can. There may be some, some
21 challenges to doing that that we still have to look at.
22 And and the other thing is, normally our source of
23 information on these items is schools. So I would flag
24 that schools are the ones likely that would have to
25 provide all this information to us. And some of these

1 data points can be challenging to collect in certain
2 circumstances. So anyway, that's my that's my spiel on
3 that and I just want to I would like to do some more
4 talking about this particular idea as we go along.

5 MS. MCARDLE: Marisa and then Stan.

6 MS. BRITTON-BOSTWICK: So just for the
7 record, thank you, Belinda. I think that is so critical
8 to have the demographics, especially with, other things
9 that large Native American populations that we see and
10 maybe a pathway and into tribal colleges, I think that
11 it's just really crucial to have those demographics.
12 Thank you.

13 MS. MCARDLE: Stan.

14 DR. ANDRISSE: I, you know, this, two things
15 to I agree with what Marisa just mentioned and of course,
16 I agree with what Belinda mentioned. And I would add
17 again to the that is one of the value to having that
18 advisory committee, as they could potentially advise as
19 how to reach out to tribal communities and schools as
20 they would be comprised of stakeholders that may have
21 more knowledge than a DOC would have in reaching that
22 type of population. David, I would, what, you know, do
23 you have in mind, which ones are more difficult to get
24 and which ones are easy for you to get?

25 MR. MUSSER: Another good question. I'm not

1 a privacy law expert, but, we I think we are trying to
2 think of the challenges that we've come up against with
3 some of these things. Disability information can be
4 challenging to collect, we'd have to, I'm not sure
5 exactly how we would collect that consistently, we could
6 potentially. There are a variety of challenges associated
7 with reporting gender that I don't want to get into here,
8 but that we that maybe we could overcome. And I, you
9 know, generally we the best way to collect a lot of this
10 information is to get it from the individuals, which may
11 create its own challenges here because we wouldn't
12 collect a lot of this on the FAFSA that's our normal
13 connection with individuals is when they apply on the
14 FAFSA, we obtain a lot of information about their
15 background. Now some of this we would be able to collect
16 potentially once this is all up and running after the
17 FAFSA Simplification takes effect in a few years. So we
18 may be obtaining information about race on the FAFSA. But
19 the other two components gender and disability, yeah,
20 those might be the ones that were a little bit more
21 challenging. But it's it is it's possible I think we just
22 need to look at how how how many privacy considerations
23 there are and sort of do we need consent from everybody,
24 do we have to ask the individual to give consent when
25 starting the program? Is that something we have to

1 require schools to obtain? If not, that makes it a lot
2 easier. But those are the things that I'm thinking about
3 as we're talking about this, this option.

4 MS. MCARDLE: Stan?

5 DR. ANDRISSE: Yes, I mean, again, to the I
6 think that would be a strong consideration for the
7 Advisory Committee to look at in terms of the racial,
8 ethnic makeup of programing. And I think that that could
9 be one of the values again to that type of entity. But I
10 mean, we we know that there is because the challenges
11 that you know of what disability and gender, less
12 information is known within the higher education prison
13 field about the disparities there. But it is pretty well
14 documented the disparities in racial, ethnic makeup of
15 these prison education programs. So I mean, for us to
16 know that and then not do something intentionally to
17 address it, is problematic to me. So I think that's why,
18 you know, that would that piece would be very important
19 to include.

20 MS. MCARDLE: Marisa.

21 MS. BRITTON-BOSTWICK: I agree, Stan, and I
22 think we just cannot forget any people in this process,
23 no matter who they are and what their backgrounds are.
24 The thing is about the demographic information is that,
25 doesn't don't Department of Corrections get that

1 information upon intake? Wouldn't that be very easy to
2 compile? And also state education offices when you sign
3 them up into an education program require that
4 demographic information. I mean, they can choose, choose
5 not to answer, but that's very rare when I go through any
6 paperwork anymore. So I'm just wondering. I think it's
7 very feasible.

8 MS. MCARDLE: Dave.

9 MR. MUSSER: So and this is where this is
10 not my area of expertise, so I do want to I I appreciate
11 that that that you think that it might be more feasible.
12 What we what limited information we've heard is that
13 there are occasions where the Departments of Corrections
14 have told us, we can't divulge that information to you.
15 We have it in some cases, but there are laws, either
16 state laws or federal laws, et cetera, again, that I'm
17 not as familiar with that prevents us from providing this
18 information more broadly for research purposes or for
19 other purposes. So I think that's the piece that I'm I'm
20 not sure about, and that is a crucial part of the
21 feasibility of collecting all of this. If if the
22 correctional agencies have it, that's one whole hurdle
23 that we've gotten past, I think then the next question
24 is, is there a patchwork of laws that may or may not
25 prevent it? Is there, are there federal laws that prevent

1 some of these things from being released without consent
2 across the board? That that's the level of detail that we
3 would need to have in order to know whether we could do
4 this consistently.

5 MS. MCARDLE: Stan.

6 DR. ANDRISSE: Sorry, I left it up from last
7 time, sorry.

8 MS. MCARDLE: Okay. In that case, I see no
9 other hands, Aaron.

10 MR. WASHINGTON: Alright, thank you. So I
11 think, you know, we hopefully we're trying to get through
12 the the remainder of the indicators today. I don't want
13 to rush the conversation. I think it's been really great
14 conversation for the last hour, actually. So I will move
15 to job placement rates, next. And we did have a comment
16 bubble there for you to consider. So we're just saying
17 that, you know, we know the job placement rates are
18 particularly hard to calculate and so the Department does
19 not have good data on the field of study of graduates.
20 Thus, we proposed to instead rely on a definition by
21 accrediting agencies and states, if applicable, state
22 DOCs may find an institution may find an institution to
23 be operating in the best interests of students if the
24 institution meets those accreditor state standards, if no
25 accreditor, there's no accreditor or state job placement

1 rate exists, the oversight entity, meaning the Bureau of
2 Prisons or State Department of Corrections, may wish to
3 establish a job placement rate requirement in
4 consultation with incarcerated individuals and other
5 advocates and in their advocates and accrediting
6 agencies. So again, I'll open it up for conversation.

7 MS. MCARDLE: Belinda?

8 MS. WHEELER: Yes, thank you. I just wanted
9 to say I appreciated how we went from the original
10 language of these different metrics on the first day in
11 October, and now we're getting to some of the revised,
12 you know, taking into consideration what colleagues have
13 said, you know, between the first time that we met to
14 today because I'm really seeing how a lot of this
15 language is definitely opening up. So I just wanted to
16 make sure that I, you know, mention that and say that I
17 appreciate that we're continuing to kind of expand these
18 these definitions, like the Department had asked at the
19 very beginning. I just bring up and again, this may be a
20 bit of a bit of a tracking nightmare for the Department
21 or whatever entity as we're moving here, but again,
22 trying to push the envelope, trying to make sure that you
23 know, these these programs are really again serving the
24 best interests of students. I put in with the
25 recommendation to colleagues via email last night, and I

1 see the Department has put it in here that in addition to
2 just like the general overall job placement rates, I
3 wonder if we could please also note in-demand careers,
4 you know, also being recorded to provide stronger
5 benchmarks for programing. Again, I'm not sure if that's
6 a logistical nightmare, but it seems to it would seem to
7 me, you know, to add value to to those programs and to
8 kind of help both the students as they're looking to
9 evaluate different programs and kind of determine which
10 program they might want to be a part of but then also,
11 you know, for other stakeholders in that as well. So
12 thank you for considering that.

13 MR. WASHINGTON: Thank you, Belinda. Can you
14 expand on in-demand careers? Is that defined or you have
15 a definition for that?

16 MS. WHEELER: Yes, thank you. Yeah, I should
17 put that in there, but I was really just saying something
18 like, you know, beyond a livable wage like, you know,
19 some kind of, you know, like not just and nothing
20 against, you know, someone who has a full time job at a
21 McDonald's or something like that but if we're if we're
22 looking at like someone having a baccalaureate degree in
23 something, you know that that it really is perhaps a more
24 matched kind of career matched with their degree program,
25 for example. So maybe rather than even just in-demand,

1 you know, like a a career that matches their credential?
2 Again, I'm not sure if I'm muddying the waters for the
3 Department or whoever else you know does this, but I
4 think, you know, you know, again, as someone who used to
5 wear the other hat, you know, in the educational field,
6 that was one area that we always looked at with
7 accreditation. You know, if a student does indeed have a,
8 you know, a degree or certification in this particular
9 field, are they actually working, you know, applying that
10 certificate or credential to that actual job that they
11 wanted? So I hope that provides a little bit more
12 context, and I apologize I probably should have just said
13 career matched with credential kind of thing. So thank
14 you.

15 MR. WASHINGTON: Thank you for the
16 clarification.

17 MS. MCARDLE: Terrell, did you mean to put
18 your hand down?

19 MR. BLOUNT: Yeah I'm still trying to figure
20 out if my hand raises need to stay up or is it just like
21 a flag to let you know? But it seems like it's been
22 working, so I'll continue to do that, but I don't think.

23 MS. MCARDLE: Keep it up keep it up.

24 MR. BLOUNT: Keep it up? Okay.

25 MS. MCARDLE: Just checking though.

1 MR. BLOUNT: I don't think the in-demand
2 piece. I think the in-demand piece would be necessary for
3 those programs that lead with this PEP that they're
4 presenting to to lead toward like increases in
5 employment. That's not something that I normally hear
6 from liberal arts and humanities and, you know, other
7 other areas, but you know, those programs that are
8 introduced into the prison as something that is going to
9 create more jobs for directly impacted people, if that's
10 what they're going to lead with and why this program
11 should be accepted, I don't see anything wrong with them
12 having to kind of follow up and provide, you know,
13 outcomes based on their their program.

14 MS. MCARDLE: Marisa.

15 MS. BRITTON-BOSTWICK: So, Belinda, one of
16 the main things that we're hearing all the time is this
17 in-demand career, it's a buzzword right now. And it's
18 really important that that's in there because we want
19 things that are sustainable income to fill employment
20 gaps. We don't want any more women leaving our facilities
21 and just going into housekeeping or just going into food
22 service because that's what has always been done. And
23 with the males too, we want, for correctional education
24 for me is sustainable income. And that they and like you
25 said before Stan, thinks that like breaking that ceiling.

1 And I think this is so important to have in there. I'm
2 not sure if it's the right words and maybe Stan and
3 Terrell you can help with that but that's powerful right
4 there. Thank you.

5 MS. MCARDLE: Stan.

6 DR. ANDRISSE: So thank you, and I am also
7 for the inclusion of in-demand. I I I wanted to just
8 point out also that a couple of things I think this is
9 again where the "May" or "Must" comes into such strong
10 relevance. These, you know, if it's the "May", you know,
11 a program could choose to include the in demand or choose
12 you know, you know, not potentially not include that. And
13 it would be up to the advisory committee that is made up
14 of these stakeholders to help that particular state do
15 what is best for that state. I think that it's also, you
16 know, I agree with Belinda, I like the additions that
17 were made that state that it is the stakeholder entities.
18 And I mean, in this language, it it includes the
19 incarcerated individuals as a "Must" and accrediting
20 agencies as a "Must", you know, I think that it's
21 important if we have that advisory committee piece, when
22 we get to things like this, they can define what is the
23 threshold, what is maybe the threshold because of the
24 difficulties is set, you know, accordingly, you know, to
25 what what that what that committee advises, you know, and

1 is not set to individuals who are not that have not been
2 impacted by the system. You know, I think that is the the
3 having the advisory committee is the guardrail to
4 potentially setting a threshold that is that makes this
5 exclusive. By having the advisory committee, we can
6 assure that this threshold is not exclusive and that it
7 remains inclusive and doesn't keep programs out. I think
8 both the changing to "May" will help do that, as well as
9 having the advisory committee will help keep this
10 inclusive as opposed to exclusive as opposed to and that
11 was my question earlier to David and Aaron about what are
12 you intending to use threshold for? Are you intending to
13 use this to exclude programs? But if it's on the advisory
14 committee to make that decision, then you know, I think,
15 you know, it would be, you know, I would be in favor of
16 that.

17 MR. WASHINGTON: Yeah, I think the
18 threshold, I'm sorry, Marisa, I mean, can I answer that,
19 Marisa?

20 MS. BRITTON-BOSTWICK: Yes.

21 MR. WASHINGTON: I think the threshold is
22 really to ensure that the programs are operating and
23 continue to operate in the best interest of students, and
24 so the law says rates, I mean, the statutory text is
25 deleted in red line. So we do have, you know, the

1 Congress did say that the Bureau Prisons or the
2 Department of Corrections would have to take into account
3 the rates of job placement rates or rates of confinement
4 incarcerated individuals. So if you have a rate, you
5 know, if the entity is oversight, it is looking at a
6 rate, then a threshold is a natural outcome of setting a
7 threshold for that rate is a natural outcome I think of
8 the statutory text. So that's why we're but we're still
9 providing the flexibility of here, the accrediting agency
10 or the or the actually or the the Bureau of Prisons, the
11 Department of Corrections to establish those establish
12 those those rates.

13 MS. MCARDLE: Marisa and then Stan.

14 MS. BRITTON-BOSTWICK: I think I'm good, I
15 just want to make sure that this piece is in there for
16 the record, that I think it should be in there and that
17 we need to work on the in-demand. I don't, I this is
18 where the hands in the cookie jar come in, and I think we
19 really need to be thinking about the students and how
20 they can sustain a livelihood and raise their children
21 and move on once they're released. So I think this could
22 use some finesse, but it's so important to me and I just
23 want that on the record.

24 MR. WASHINGTON: And just something, I'm
25 sorry.

1 MS. MCARDLE: I just wanted to see if Stan
2 intended to put his hand down or?

3 DR. ANDRISSE: I was just going to
4 acknowledge that I understand Aaron's comment and
5 explanation of threshold.

6 MR. WASHINGTON: Wow, thanks, I appreciate
7 that I thought it was going to be like, but wait a
8 minute. Yeah, and I wanted to talk about "May" or "Must"
9 as well. So I think what we wanted to avoid is a
10 situation in which an oversight entity, however, that
11 ends up being defined, it says, well, we're only going to
12 look at transferability of credit and nothing else. You
13 know, so there's a "May" there and you know, I mean, all
14 these wonderful ideas that we've had in blue and all this
15 language that we're trying to develop, what if, what if
16 the oversight entity, you know, is like, well, actually,
17 we're only going to look at transferability of credit,
18 you know, and as long as it transfers to one institution
19 in the state, then we're good. We're not looking at
20 earnings, we're not looking at education post-release,
21 we're not looking at, you know, academic and career
22 counseling, career services upon reentry, we're just
23 going to look at one of the indicators.

24 MS. MCARDLE: Stan.

25 DR. ANDRISSE: Again, I would reiterate that

1 that that's the value of having that advisory committee
2 to assure that you have a whole group of stakeholders
3 that each of them are coming with their, you know, you
4 have the accrediting agencies, you have the higher
5 education institutions, you have the formerly
6 incarcerated people, so they're going to come with what
7 they believe needs to be part of and important to the
8 program. So having them as part of that oversight will
9 ensure that they meet the best interests of the student.
10 Particularly, again for my particular constituency, I
11 think, and as Terrell and many have mentioned, like it's
12 important that formerly incarcerated people, you know, be
13 part of that. So if the table comes and says, well, you
14 know, you should be meeting the job placement of, you
15 know, this college student that came from this, the
16 program you're in, you're at Harvard, like Harvard people
17 go here, right? And you know, there would be someone at
18 the table to explain that I am a formerly incarcerated
19 person. I can't get the same jobs that you get, even
20 though I'm, you know, have education from Harvard. So I
21 think that would put the checks and balances in place
22 that would make it okay to have "May" there because, you
23 know, the correct stakeholders would would speak their
24 their particular interest as is needed within that state
25 within those programs.

1 MS. MCARDLE: I see no other hands at this
2 time.

3 MR. WASHINGTON: Alright, well, let's move
4 to earnings. I think the last one we'll probably be able
5 to talk to today with our remaining time is earnings, and
6 I don't want to say that we should rush the conversation.
7 We probably should try and wrap up that conversation in
8 about seven or eight minutes, but we can always return to
9 it in the morning. But for our next indicator, the
10 Department, so we have a comment bubble there that you
11 see on your screens, the Department does have the ability
12 to calculate earnings of program graduates program
13 graduates using College Scorecard report data. For
14 instance, the College Scorecard reports data on program
15 earnings by field of study and credential level.
16 Similarly, the Department has historically calculated and
17 published via the Scorecard the percentage of graduates
18 earned above the typical earnings of a high school
19 graduate to measure how consistently the education pays
20 off for the students. So we propose to provide these
21 earnings back to institutions and oversight entities to
22 inform the decision of whether the program is operating
23 in the best interest in the students' best interests,
24 rather than relying on a measure as it pertains to prison
25 education programs, rather than rather than only relying

1 on the measure as it pertains to prisoner education
2 programs. Institutions may provide metrics on similar
3 programs at the institutions, demonstrate their ability
4 to provide the program in the best interest of students.
5 And so here uh, yeah, so so I will pause there for
6 conversation. And Belinda, did you have, I think Belinda
7 may have because you have something for this section?

8 MS. MCARDLE: And I see no comments at this
9 point.

10 MR. WASHINGTON: I'm wondering, I don't
11 know, Belinda, I believe I don't think you had anything
12 for this section. Okay.

13 MS. MCARDLE: Still no comments.

14 MS. WHEELER: Surprise, my friend. Enjoy
15 that there was no recommendation, my friend.

16 MS. MCARDLE: And still no other comments.

17 MR. WASHINGTON: Okay, maybe we need to move
18 to the next one. So for the next one, I think we took a
19 comment bubble from the Department as well. Let's see, do
20 we have one? Yeah. So recidivism rates are particularly
21 hard to calculate in the Department does not have good
22 data on the field of study for graduates. Thus, we
23 propose to instead allow over the oversight entity to
24 establish a recidivism rate requirement in consultation
25 with incarcerated individuals and their advocates in

1 accrediting agencies. We also explicitly disallow certain
2 types of students from being included in the calculations
3 to ensure that institutions are not unfairly judged by
4 poorly designed recidivism rates.

5 DR. ANDRISSE: I don't see it on my screen,
6 is my screen just frozen?

7 MR. WASHINGTON: It might be frozen, it
8 looks like on my screen, Vanessa does have the comment
9 box open. So, Stan, can you see the definition there?

10 DR. ANDRISSE: Not now, I see it, now I see.
11 Yeah, there must be a delay somehow.

12 MR. WASHINGTON: So for this, for the
13 recidivism rate, the the here we have the oversight
14 entity establishing a rate of recidivism and we took into
15 account, I think that there were some comments made last
16 time that said, you know, do not think I have, let's see,
17 I think I added it, Belinda and Stan said do not consider
18 recidivism rates recidivism rates within three, five, or
19 seven years and only include those with a new felony
20 convictions. So you see the new felony conviction
21 language in here and also instead of saying three, five,
22 or seven, we added "a reasonable number of years". And
23 that was because we didn't want to set a a year in the
24 regulation. And, you know, we did know we realize that
25 the Department of Corrections may all have different

1 definitions of recidivism, so we didn't want to conflict
2 with any definition of recidivism that was out there. So
3 the oversight entity would, you know, establish what that
4 reasonable, reasonable number of years was in
5 collaboration with other other relevant stakeholders.

6 MS. MCARDLE: Belinda.

7 MS. WHEELER: Thank you very much. This is
8 the the comments, I can't speak for my colleague Stan I
9 want to make sure that he has a chance to. But I know at
10 least when when I was making this recommendation along
11 with Stan in October, we were working within the confines
12 of this being "Must" language. You know, with "May" being
13 put to the table here speaking again, only for myself
14 this is an area where I would prefer to see for a prison
15 education program, recidivism cut. You know, as someone
16 who used to wear the prison education program director
17 hat and just as a regular educator, I would have never
18 thought that this would be something that I would track
19 doing the work with Vera, you know, with Second Chance
20 Pell sites and things of that nature. You know, I know
21 that other entities across the country already track
22 recidivism rates for whatever reasons that they need to
23 do. And again, for that prison education program, if we
24 can, you know, utilize the "May", I would actually
25 recommend my bubble would be a strong recommendation to

1 cut this completely. I just don't see any value on how
2 the quality of an educational program, whether it's a
3 really amazing good quality program or even one that's
4 not necessarily that correlation with someone recidivate,
5 whether it's a brand new felony conviction, whether you
6 know, I just. So I will stop there. Stan, I see your hand
7 is raised I want to thank you.

8 MR. WASHINGTON: Vanessa, can you add that
9 quickly to the Belinda recommends to if the determination
10 is, well, Belinda recommends to not take into account
11 recidivism in the best interest determination.

12 DR. ANDRISSE: Yeah, I mean, if that is I
13 mean, I would also recommend the same thing. You know, we
14 I think several people mentioned that last time as well,
15 to to that, they would be for not including recidivism.
16 But I also I was also going to mention that that it, you
17 know, the the the revision that I appreciate, you know,
18 taking our thoughts into the revision.

19 MS. MCARDLE: Marisa.

20 MS. BRITTON-BOSTWICK: So, Belinda and I
21 spoke about this and it recidivism is always really a
22 buzzword, also, it's the first thing that comes up.
23 What's the recidivism rate? So how would you move forward
24 when people ask you that about these prison education
25 programs? That's the first question we always get asked

1 in corrections, what's the recidivism rate? So I think we
2 just really need to think about this and how we move
3 forward with other data that would support funding and
4 staffing. Because this really is a a word that comes up
5 right away. And I just, I'd like to think through that a
6 little bit.

7 MS. MCARDLE: Terrell.

8 MR. BLOUNT: Thank you. I think to Marisa's
9 question really quickly, and this I guess this isn't more
10 so of an answer, but just a I guess a thought that I'd
11 share, which is, you know, I know a lot of the times
12 correction, Departments approve programs that you know,
13 don't don't necessarily lead to people staying home and
14 thriving on the outside that and they aren't education
15 programs a lot of the time. So, you know, programs like
16 Thinking For a Change or Focusing On The Victim and
17 things of that nature, those programs are green lit and
18 allowed to come inside of the facilities. And they hardly
19 ever, if ever have I heard someone say that they stay at
20 home and they're doing great out here because of programs
21 like that. And I don't think they're held with the same
22 type of scrutiny that higher education in prison programs
23 are, or in this case, PEPs. So again, that's just a
24 thought that I wanted to kind of add to that discussion
25 not necessarily an answer to your question. But I also

1 wanted to point out that in regard to recidivism, I don't
2 think it is a metric that should be used to come up or
3 judge the quality of a prison education program. But I do
4 want to share with my colleagues that in the in the
5 wildly rare situation where a prison education program
6 you look at, there's students that participated and if
7 80% of them just the random number, but you know, a
8 majority of them are returning or indeed they're
9 graduating from the programs and are returning back to
10 prison on new violations or parole violations. I think
11 that is telling whether I think it's more so about that
12 best interests of the student piece and also to the much
13 larger point that Stan and the rest of the group
14 continues to stress, which is that having multiple
15 stakeholders involved, it removes the accountability from
16 just one or two actors, which is the education
17 institution and the Department of Corrections and
18 involves and encompasses a much larger group which is
19 peer support networks through formerly incarcerated
20 people that have gone home already, and are doing well
21 and can give tips and strategies to those coming home.
22 Those stakeholder groups that are community based
23 organizations so again, recidivism shouldn't be judged,
24 shouldn't be used to judge the quality of a program.
25 However, in the case of best interests, if a program is

1 operating in the best interest of students, I would look
2 for if I saw data that indicated a lot of people who are
3 returning from your program, I would have questions about
4 what that program is or not doing for their students.

5 MS. MCARDLE: Aaron, it is 3:00, actually
6 3:01.

7 MR. WASHINGTON: 3:01, I think we still have
8 one more comment from Stan, let's let him comment please.

9 DR. ANDRISSE: Thank you for letting me
10 share my comments. To Marisa, I think, you know,
11 corrections does often ask for recidivism when they ask
12 for that because we get asked that in the work that we
13 do, we tell them our graduation rates and our persistence
14 rates, the rates of people returning to college and an
15 additional year, we tell them our GPA, which in our
16 program is like a 3.75, we tell them their success in
17 reconnecting with their family. So there is, I mean,
18 there's we and, you know, graduation, persistent GPA,
19 those are just the academic metrics that you would use
20 for an academic program. So I mean, we share those
21 instead of recidivism.

22 MR. WASHINGTON: With that, it's 3:02 now,
23 and I think we should adjourn for the day tomorrow will
24 come back and finish up the best interest piece and then
25 go back through the entire regulation only in areas that

1 obviously we didn't get obtain a positive temperature
2 check in and clean up the language and hopefully it comes
3 out one recommendation. So we'll see you all at 10 a.m.
4 tomorrow morning, Eastern Time. Thank you all.

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