

Report and Suggestions from IPEDS Technical Review Panel #65: Incarcerated Students and Second Chance Pell: Data Collection Considerations

SUMMARY: The Technical Review Panel discussed the recent legislative changes relating to the reinstatement of Pell Grant eligibility for incarcerated students, and considered the implications for the IPEDS data collection. This summary provides an overview of the information presented to the panel and the primary takeaways that emerged during the associated discussion. Comments from interested parties are due to Amy Barmer, IPEDS Technical Review Panel Task Leader at RTI International, at ipedstrpcomment@rti.org by July 21, 2022.

On October 26 and 27, 2021, RTI International, the contractor for the Integrated Postsecondary Education Data System (IPEDS) web-based data collection system, convened a meeting of the IPEDS Technical Review Panel (TRP) using video conference technology. RTI conducts IPEDS TRP meetings to solicit expert discussion and suggestions on a broad range of issues related to postsecondary education and the IPEDS data collection. As the postsecondary education industry evolves, IPEDS TRP meetings are increasingly critical in ensuring IPEDS data remain relevant, informative, and on the forefront of industry advancements and legislative needs. To this end, IPEDS TRP meetings are designed to foster public discourse and enhance IPEDS data collection, products, data quality, and system user-friendliness. The TRP does not report to or advise the U.S. Department of Education (ED).

RTI's specific purpose for this TRP was to engage the postsecondary community in an information-gathering discussion of postsecondary education programs in prisons. Through this TRP, the National Center for Education Statistics (NCES) aimed to learn about existing data on postsecondary education programs in prisons and the impending reinstatement of Pell Grant eligibility for incarcerated students, with a particular focus on how these issues may impact IPEDS data collection and reporting. Information gathered from this TRP will inform potential future changes to IPEDS to ensure that data collected are inclusive of, and responsive to, the participation of incarcerated students in postsecondary education while maintaining consistency with prior data collections and extant guidance. Thirty-seven panelists representing institutions, the research field, the federal government, higher education associations, and other experts were in attendance.

Background

Recent changes to federal statutes and regulation have brought new opportunities for incarcerated students to be eligible to receive Pell Grants.

- In 2015, the U.S. Department of Education (ED) introduced a pilot program known as the “Second Chance Pell” experiment, an Experimental Sites Initiative (ESI) authorized under the *Higher Education Act* (HEA).¹ Experiments authorized through ESI waive specific statutory or regulatory requirements for a limited number of institutions to test and evaluate potential

¹ The Experimental Sites Initiative (ESI) is authorized by Section 487A(b) of the Higher Education Act of 1965 (20 U.S.C. 1094a(b)). Under the ESI statute, the Secretary of the U.S. Department of Education is required to review and evaluate the experiences of institutions that participate as experimental sites and, biennially, submit a report based on the review and evaluation to the authorizing committees (Section 487A(b)(2)).

changes on a small scale.² The Second Chance Pell experiment allows participating institutions to provide Pell Grants to otherwise eligible students who are incarcerated in federal or state correctional facilities. The experiment was designed to obtain descriptive data about participating institutions and students, as well as identify obstacles or challenges to the participating institutions' administration of federal aid programs.

- In December 2020, Congress passed the *FAFSA (Free Application for Federal Student Aid) Simplification Act* as part of the broader Consolidated Appropriations Act of 2021. The law includes a provision that reinstates Pell Grant eligibility for incarcerated students (without the need for an experiment under the ESI) and establishes participation requirements for prison education programs.

Prior to these changes, individuals incarcerated in federal or state correctional institutions were prohibited from receiving Pell Grants.³

The new provision related to Pell Grant eligibility reinstatement will go into effect by July 1, 2023 (for the 2023–24 award year). ED used negotiated rule-making to shape its regulatory framework for prison education programs and the guidelines for Pell grant eligibility. As ED begins working toward implementation, questions remain about how the new law impacts IPEDS data collection and reporting. IPEDS is a mandatory collection for institutions that participate in, or are applicants for, participation in any Title IV financial aid funds.⁴ Therefore, data collected in IPEDS are primarily driven by statutory requirements and the need to inform relevant federal policy.

RTI convened this TRP to engage the postsecondary community in initial conversations on collecting and reporting data on students at prison locations in IPEDS. Invited subject matter experts were asked to prepare brief presentations highlighting key points from their recent research or work on other national-level efforts to collect relevant information or data. A primary objective of these presentations was to learn about existing data on incarcerated students in postsecondary education programs (Presentations 1 and 2), federal regulations and new statutory provisions for incarcerated students (Presentation 3), and current challenges with reporting data on incarcerated students (Presentation 4). Following these presentations, the panel engaged in a moderated discussion on the potential impacts on the IPEDS data collection.

Existing Data on Prison Education Programs

Presentation 1. One of the biggest challenges in understanding the current landscape of postsecondary education in prison is the lack of comprehensive data at the national level. Independent survey and research efforts can provide information about facilities that participate in postsecondary education

² The experiment was designed to obtain descriptive data about participating institutions and students, as well as identify obstacles or challenges to the participating institutions' administration of federal aid programs. The office of Federal Student Aid (FSA) selected a limited number of institutions to pilot the experiment and, in 2019, expanded the experiment by inviting a second cohort of institutions to participate. FSA will expand the experiment again in 2022 to include a third cohort of institutions.

³ The Violent Crime Control and Law Enforcement Act of 1994, P.L. No. 103-322, § 20411, 108 Stat. 1796, 1828 (codified as amended at 20 U.S.C. § 1070a(b)(6)), prohibited Pell Grants from being awarded to individuals incarcerated in any federal or state penal institution. See also 34 C.F.R. § 668.32(c)(2)(ii).

⁴ The completion of all IPEDS surveys, in a timely and accurate manner, is mandatory for all institutions that participate in or are applicants for participation in any federal financial assistance program authorized by Title IV of the HEA of 1965, as amended. The completion of the surveys is mandated by 20 USC 1094, Section 487(a)(17) and 34 CFR 668.14(b)(19).

prison programs but leave other questions unanswered. Available data include information on where and how programming is offered, including modes of instruction, facility type, and credential pathways. Yet there is little data available about how incarcerated students enroll, persist, and complete higher education while in prison.

Research demonstrates that postsecondary education inside U.S. prisons includes a variety of models and program structures. Some prison programs maintain partnerships with multiple postsecondary institutions, while others are not directly affiliated with an institution and instead are affiliated with a third-party facilitator to provide programming. Of the postsecondary institutions affiliated with prison education programs, the majority of institutions are public two-year institutions. Instruction may be offered as in-person, distance education, or a hybrid model. Postsecondary opportunities include vocational programming that could lead to industry-recognized credentials or credit-bearing courses that could lead to a formal award.

Students in postsecondary prison programs are a growing demographic and will continue to grow with Pell Grant eligibility reinstatement. IPEDS can improve its enrollment data collection and reporting for this growing population of students by identifying what additional data should be collected related to the enrollment of incarcerated students. Important considerations for moving forward include how to ethically and responsibly collect and report data on incarcerated students in IPEDS. For example, information is needed to shed light on equity-related issues, as underserved communities (e.g., students of color) are underrepresented in postsecondary prison programs but overrepresented in the criminal justice system.

Presentation 2. Over 22,000 students have enrolled in postsecondary education through the Second Chance Pell Experimental Sites Initiative since the program launched in 2015. To date, participating students have earned over 7,000 credentials, which include certificates, associate’s degrees, and bachelor’s degrees. The number of students enrolling in programs and earning credentials is expected to grow with the third cohort of institutions invited to participate in the Second Chance Pell experiment for the 2022–23 award year. With the reinstatement of Pell Grant eligibility to include incarcerated students (through the Consolidated Appropriations Act of 2021) set to take effect on July 1, 2023, these numbers are expected to increase yet again. Moving forward, these numbers are likely to increase even further (beyond just changing policies surrounding financial aid eligibility and administration), as institutions continue to increase opportunities and improve delivery of postsecondary education programs.

Some institutions already include data on incarcerated students in their IPEDS reporting. There are several examples of institutions with prison campuses that combine their data for the prison campus with their main campus when reporting to IPEDS. Institutions’ prison programs may be demographically different than their main campuses, but these differences are masked when data are aggregated when reported to IPEDS. The impact of these differences varies based on the relative size of the prison program compared to the main campus. In addition to demographic differences between incarcerated and non-incarcerated students, resources and support services available to students can be drastically different, with incarcerated students often having access to fewer library, computer, and internet resources and student services. Student cost structures and charges are also likely to be different for incarcerated students.

Student outcomes for incarcerated individuals can be impacted by numerous factors beyond their control. For example, students do not have control over their location or enrollment intensity (i.e., full- or part-time status), both of which present barriers to program completion. For these reasons, traditional student outcome measures (e.g., 150% graduation rate) may not be appropriate for incarcerated students.

Further, since students in these programs can be transferred or removed mid-program/term, institutions that report data must develop practices for how to transfer credits, account for multiple enrollments, and allow for credits to be awarded by other locations or even separate institutions.

Federal Regulations and New Statutory Provisions for Incarcerated Students

Presentation 3. Incarcerated students have been ineligible for Direct Loan funds since 1994 (and will continue to be ineligible even when pending legislation is implemented). Between 1994 and 2016, all students who were incarcerated in federal or state penal institutions were ineligible for Pell Grants. The Second Chance Pell experiment allowed otherwise eligible students who were incarcerated in federal or state penal institutions to receive Pell Grants. The term “Second Chance Pell” refers to the experiment implemented in 2015, under which a limited number of institutions were selected to participate and allow otherwise eligible students who are incarcerated in federal or state penal institutions to receive a Pell Grant. The Second Change Pell experiment is different than the pending legislation in the Consolidated Appropriations Act of 2021 related to Pell Grant eligibility for incarcerated students, and these two should not be conflated.

Provisions in the Consolidated Appropriations Act of 2021 relating to incarcerated students include: reinstating Pell Grant eligibility for students incarcerated at federal or state penal institutions; tying Pell Grant eligibility for incarcerated students to enrollment in eligible prison education programs; and requiring the Department to publish an annual report evaluating prison education programs and the associated student outcomes. The law requires the Secretary to annually report the following items for each prison education program, some of which can be obtained from FSA administrative data, and others that require additional data collection planned by FSA:

- Names and types of institutions of higher education offering prison education programs;
- Number of confined or incarcerated individuals receiving Pell Grants;
- Amount of Pell Grant awards;
- Average Pell Grant expenditures per FTE students compared to average Pell Grant expenditures per FTE students not in prison education programs;
- Demographics of confined or incarcerated individuals receiving Pell Grants;
- Cost of attendance for such individuals;
- Mode of instruction (i.e., in-person, distance education, or correspondence)
- Academic outcomes (such as credits attempted and earned, and credential and degree completion) and any information available from student satisfaction surveys conducted by the applicable institution or correctional facility;
- Post-release outcomes, including (to the extent practicable) continued enrollment, earnings, credit transfer, and job placement;
- Recidivism rates;
- Transfers between prison facilities;
- Most common programs offered in prison; and
- Rate of instructor turnover or departure.

The timeline for implementation includes milestones for training institution staff and correctional facilities’ programming staff before full implementation in fall 2023 when incarcerated students in prison education programs can begin receiving Pell Grants. For-profit institutions, regardless of their ability to meet the requirements, are prohibited from participating.

Challenges with Reporting Data on Incarcerated Students

Presentation 4. Institutions with prison education programs face several challenges, including the following:

- **Difficulties in establishing and documenting incarcerated students' eligibility for Pell Grants.** Incarcerated students may face a separate set of complications when filing the FAFSA; acquiring proper FAFSA documentation is often difficult. Common issues include difficulties obtaining identification documentation or other acceptable alternative forms of identification besides a driver's license or a Social Security card to verify data for incarcerated students without those documents. Other challenges with applying for Title IV aid are related to the lack of consistent internet access in prison facilities, the use of paper forms, high verification selection rates among incarcerated applicants, and the significant amount of effort required by institutions to assist students with completing the FAFSA application.
- **Changes to enrollment status beyond the institution's or student's control.** Incarcerated students are frequently transferred to another facility for reasons beyond their control, such as bed-balancing, disciplinary concerns, and safety needs. Tracking student enrollment across multiple prison facilities is a time-intensive process, considering the student's enrollment location may change several times over the course of a single academic term. Transfers to other facilities are rarely initiated by the student and can often impact measures of success, including program completion and graduation rates.
- **Limited data on student outcomes for incarcerated students.** Despite attempts from institutions to collect these data, privacy considerations, and in many cases an unwillingness by correctional agencies or correctional facilities to provide information about students who are released, it is difficult for institutions to know what happens to their students following their incarceration.
- **Data and records management for institutions with higher education programs in prison.** Data collection and management practices vary. Some institutions include incarcerated students in the institution's student information system and assign a code to students participating in prison education programs. Others maintain separate data for prison education programs. Regardless of the approach, institutions must consider numerous complicating factors when collecting, managing, and reporting data on their incarcerated students. Identifying and reconciling student identity discrepancies takes time and effort. For example, incarcerated students may have several name variations that all need to be maintained and matched in order to accurately report their data.
- **Coordinating with multiple offices.** Implementing a prison education program requires collaboration between multiple offices within an institution, such as the financial aid, registrar, admissions, business, and communications offices as well as faculty and academic departments. In addition to collaborating with the state or federal prison facility, other external partners or parties include the accrediting agency, state agencies, federal agencies, and others.
- **Differences in state and federal reporting requirements.** Another factor adding complexity is the use of different data sources and data definitions to meet varying state and federal reporting requirements. Responding to data requests often requires multiple steps, such as implementing custom system design, adding supplementary coding into the system, extracting query results, cleaning data, and creating reports. Without the aid of institutional research offices or data-sharing systems, the data must be sourced individually and manually compiled by program administrators. With limited capacity, this can be a time-consuming process for the data provider.

- **Disaggregating the prison education population to ensure the data are telling an accurate story.** For example, in a state with a high level of racial disparity between a university's population and the prison population, presenting data for the prison education program combined with the main campus could be misleading, showing that the institution is serving a more diverse population than is actually the case at the main campus.

Discussion on Potential Changes to IPEDS

Panelists leveraged what they learned from the presentations to discuss what changes to IPEDS would be needed to keep pace with the new legislation and inform policy and research questions. They also weighed the benefits of collecting data on prison locations, while also considering the ability of institutions to provide accurate information to IPEDS without placing an undue reporting burden on institutions.

IPEDS instructions and definitions (cross-cutting). IPEDS enrollment counts include all students enrolled for credit, regardless of whether they receive Title IV aid. To be considered enrolled for credit, a student must be enrolled in an instructional activity that can be applied toward the requirements of a degree, certificate, or other recognized postsecondary credential, regardless of whether the student is seeking a degree/certificate or the course is Title IV eligible.

At a minimum, panelists suggested adding language to clarify that all students enrolled for credit, *including students enrolled for credit at prison locations*, should be included in IPEDS reporting. They noted that stating this directly in the instructions for relevant IPEDS survey components would help to eliminate any confusion that might exist about reporting data for students enrolled at prison locations. Panelists suggested that existing definitions could also benefit from additional clarification to ensure accuracy and comparability across institutions. Institutions should follow existing IPEDS definitions when including data for students at prison locations in their IPEDS reporting. For example, students who meet the various cohort definitions of degree/certificate-seeking for IPEDS purposes would be included in the applicable student persistence and success measures. Recognized postsecondary credentials earned by students enrolled at prison locations would be included in the counts of degrees and certificates conferred. Students enrolled for credit would be included in IPEDS enrollment counts. Much of the data collected in IPEDS are clearly defined by statute or regulation. However, in cases where data elements are not as clearly defined, NCES should revisit the definitions to consider adjustments to help guide institutions on how to correctly account for students enrolled in prison locations within their IPEDS reporting.

Assuming the panel's suggestion to include all students enrolled for credit, *including students enrolled for credit at prison locations*, is adopted, incarcerated students would be included in IPEDS reporting as defined by existing definitions. Although data related to students enrolled at prison locations would be included in those survey components, as applicable, the specific data for students at prison locations would not be separated from data for other students. Panelists weighed the benefits of separately collecting data for students in prison locations beyond the level of detail that would be captured by merely including them in the totals. Other conforming changes may be made to the IPEDS Survey instructions, Q&A, and Glossary based on the final regulations published for incarcerated students and prison education programs.

They noted that isolating data for students in prison locations from the aggregate information collected by IPEDS would provide important and currently unknown national statistics about this population and the institutions that serve them. However, they also noted concerns about possible unintended

consequences related to collecting separate, detailed information about students enrolled in prison locations as a separate population.

Institutional characteristics (i.e., Institutional Characteristics [IC] and Institutional Characteristics Header [IC-H] survey components). Panelists suggested adding a question to the IC or IC-H survey components that asks whether the institution enrolls incarcerated students for credit to identify which institutions serve these students (and provide context to their IPEDS data). Because this information would most likely be captured via a simple Yes/No question, collecting this information would be manageable without a substantial increase in reporting burden. If the question would function as a screening question, which would use institutions' responses to determine whether additional detail would be required in other IPEDS survey components, the question should be included in the IC-H survey component. If not, it could be included in either the IC-H or the IC survey components.

Student enrollment (i.e., Fall Enrollment and 12-month Enrollment survey components). As a first step, panelists suggested that institutions parse out enrollment counts to get a subtotal (i.e., headcount) of students enrolled for credit at prison locations. Including them in the enrollment counts – and delineating them as such – would provide insight into the prevalence of prison education programs at postsecondary institutions. Panelists also discussed the possibility of collecting separate enrollment data for students in prison locations disaggregated by race/ethnicity and gender. Although detailed demographic data would help facilitate discussions about equity and access, panelists highlighted privacy issues and ethical concerns that could potentially negate the value of collecting detailed enrollment data for students enrolled in prison locations. Specifically, they noted that small cell sizes increase the risk of revealing personal or sensitive information about individual students without their consent. Although the aggregation of data at the institution level removes much of the risk of disclosure for most IPEDS data, panelists were concerned about ethical issues and unintended consequences with identifying certain student populations in the data. Further, panelists questioned the feasibility of collecting separate enrollment data for incarcerated students by race/ethnicity and gender, given the specific privacy protections afforded to incarcerated students as a protected entity.

Student persistence and success (i.e., Completions [C], Outcome Measures [OM], Graduation Rates [GR], and 200% Graduation Rates [GR200] survey components). In addition to this high-level disaggregation in enrollment totals, the TRP further discussed whether NCES should consider a similar disaggregation of incarcerated student totals in IPEDS completions counts and other student success metrics such as graduation rates and outcome measures. Panelists highlighted important considerations that arose during the meeting's presentations, notably, that incarcerated students face multiple barriers to their progression through postsecondary education and completion of degree or certificate programs that are unique to that population (e.g., their lack of control over enrollment intensity, the potential for an enrolled student to be transferred to a prison without an affiliated prison education program, and restrictions on their movement upon initial release). However, panelists suggested against disaggregating incarcerated student counts when reporting data in the GR, GR200, and OM survey components. The panel also reiterated privacy concerns and the potential for unintended consequences to further support this recommendation.

Are there other sources for or ways to collect these mandated data? How can NCES/IPEDS partner with institutions to help them understand changing reporting requirements and with outreach to their prison locations?

NCES takes action to identify and avoid duplication between IPEDS and other federal data collection activities involving postsecondary education providers. As noted, FSA plans to obtain many of the

mandated items by consolidating administrative data on incarcerated students. FSA also plans to collect additional data for students in prison education programs to publish an annual report evaluating prison education programs and their student outcomes. Much of the FSA data collection will provide data at the program and student level, while IPEDS collects data at the institution level. Additionally, the administrative data obtained by FSA for annual reporting on incarcerated students and their programs (required by statute) include only Title IV aid recipients.⁵ Given these limitations, panelists agreed that IPEDS would not be able to fill in the gaps in mandated data that FSA does not obtain in administrative data or in the additional data collection planned by FSA. Specifically, the data collection structures available to IPEDS do not allow for collection of recidivism rates or the transfer of incarcerated students between prison programs. Panelists looked to the National Postsecondary Student Aid Study (NPSAS) as another avenue to collect data that are outside the scope of IPEDS, but further noted that neither NPSAS nor the other NCES longitudinal surveys are conducted every year and therefore would not likely satisfy the annual nature of the mandatory reporting requirements. Other suggestions included the Bureau of Justice Statistics (BJS) as a potential source, suggesting the possibility that it could conduct a survey targeted at institutions that offer prison education programs or enroll incarcerated students.

One mandated item that is not currently obtained in FSA administrative data or the planned FSA data collection is the rate of instructor turnover or departure. Panelists noted that NCES could potentially look at the inclusion of faculty teaching incarcerated students in IPEDS. However, panelists recognized that definitional work would need to be completed and the feasibility of this should be further explored prior to any implementation.

Next Steps

Once the TRP summary comment period has closed, RTI will review the comments and will outline recommendations for NCES based on the outcome of the TRP meeting and subsequent public comment period. NCES will review the recommendations to determine next steps.

Comments

RTI is committed to improving the quality and usefulness of IPEDS data and to strategies that might help minimize additional reporting burden. We encourage interested parties to send any comments or concerns about this topic to Amy Barner, IPEDS Technical Review Panel Task Leader at ipedstrpcomment@rti.org by July 21, 2022.

⁵ Sources include the Award Eligibility Determination (AED)/Central Processing System (CPS), Common Origination and Disbursement (COD), and the National Student Loan Data System (NSLDS).