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Despite Its Proven Benefits, Access to College for Incarcerated People Is Hard to Come By and Easy to Lose

by Alexandra Gibbons | November 20, 2020

Carlos wrote a play that was an extension of Dantes *Inferno.* Jesse did a capstone research project on how *pro se* litigantsthose who represent themselvesfare in court. Richard wrote a 20-page multidisciplinary report about the tug of war between negative risk factors and positive influences in the lives of young people. Victors studies were particularly influenced by a philosophy of religion class. Although Carlos, Jesse, Richard, and Victor were all dedicated students who took their studies seriously, they faced a series of barriers that threatened their academic success. All four began their journeys in postsecondary education within the walls of New York State prisons.

For students incarcerated within the New York Department of Corrections and Community Supervision (DOCCS), access to a college education is hard to come by and easy to lose. Just getting into a program requires determination and luck: postsecondary education programs are only offered at about half of facilities, and since incarcerated students are banned from accessing most federal and state educational grants, many programs rely on private grants and have to be selective with admissions.

And even when students do make it into a program, access can be taken away at any moment. If a student incurs any Tier 2 or Tier 3 disciplinary infractionsthe same categories that are punishable by solitary confinementDOCCS rules require that he or she be suspended from college programming for six months or a year. This causes education gaps that can result in students being transferred or released before they have the chance to complete their degrees. It can also delay their release dates by thwarting their progress toward early parole eligibility.

According to formerly incarcerated students, volunteer teachers, and advocates, some correctional officers harbor resentment towards postsecondary education programs. These same correctional officers have the power to write the disciplinary tickets that can derail an education.

Carlos, a passionate writer who recently returned home, lived in fear of getting a ticket that could impact his education. I really walked on eggshells there. I tried to stay out of trouble, but its so easy sometimes in these places to get in trouble, he said. Something as simple as asking an officer why he tells me to do something that I know is wrong, something I dont want to do I can go to the box [solitary confinement]. Ill lose my college access for six months And I have to start all over again. Its really at their mercy.

Postsecondary prison education programs are both beneficial and cost-effective; for every $1 spent on prison education programs, an estimated $5 is saved on reincarceration costs. Those who participate in prison education programs are 43 percent less likely to be reincarcerated in the three years following their release than those who do not.

In interviews with Solitary Watch, former students cited the important skills they gained through their classes: written and verbal communication, critical thinking, and confidence in their academic capabilities. For many, the environment within classes was as influential as the course content itself. School brought some humanity to prison, said Jesse, who is continuing his studies at the University of Rochester this fall. Its a place where youre not treated like an inmate, youre treated like a student. Youre still in prison, but the inside of prison kind of fades away when youre sitting in class. People care about your opinions; its like you have that voice that was taken away.

Higher education programs in prisons were limited in funding and scope until Pell grants were introduced nationally in 1972 to help low-income students pay for college. Two years later, New York introduced its own supplemental Tuition Assistance Program (TAP). Pell and TAP grants allowed postsecondary education programs to expand into almost every prison in New York State. But this changed rapidly when the 1994 federal Violent Crime Control and Law Enforcement Act banned incarcerated students from receiving Pell grants, and New York State followed suit with TAP the following year. Between 1995 and 1996, the number of incarcerated students in New York dropped from 3,445 to 256, while the number of college programs shrank from 25 to 4.

In the years since, some new programs have opened, usually with reliance on foundations and other private funding sources. And in 2015, the federal government launched the Second Chance Pell Experiment, providing Pell grants to incarcerated students enrolled in 65

selected college programs nationally, including eight in New York. The Department of Education announced in April that the experiment will be expanded to an additional 67 schools.

The still limited number of programs means that access to postsecondary education often comes down to the geographic location of ones prison. Its just completely luck of the draw as to whether youre going to have accessibility, said Stephanie Bazell of College and Community Fellowship. If you happen to end up in the Hudson Valley region [near New York City], theres a ton of amazing world-class educational institutions running in these facilities. In contrast, she explained, college programming is extremely limited in prisons in New Yorks North Country, near the Canadian border.

As of fall 2017, there were only 1,317 postsecondary students in New York prisonsjust four percent of the incarcerated people with high school diplomas or GEDs.

Those who do successfully enroll in a college program face obstacles to retaining access. In New York prisons, there are three tiers of disciplinary tickets. In addition to being punished with disciplinary segregation, a form of solitary confinement, Tier 2 or 3 violations result in a suspension from college programs for six months (Tier 2) or one year (Tier 3), according to a DOCCS spokesperson.

These levels of tickets are extremely common. In 2016 alone, there were over 30,000 sentences of disciplinary segregation for more than 15 days in New York State prisons. People can get Tier 2 offenses for seemingly minor offenses like embracing another incarcerated person, possessing more than $22.50 worth of stamps, or having a beard or mustache longer than one inch. Correctional officers have broad discretion over which tier ticket to write for a given infraction, and Black individuals are far more likely to receive disciplinary tickets and be sent to solitary than their white counterparts. Once a ticket is written, the outcome is predictable: Although incarcerated people are entitled to a hearing, its prison staff who rule on their cases, and they are found guilty about 95 percent of the time.

Jesse estimates that throughout his prison education, probably at least one student was removed from each of his classes due to disciplinary tickets.

If an officer can realize that essentially, I can write anything I want, and the consequences are going to be that persons found guilty, that allows for a real abuse by someone who might get angry at an individual, said Jack Beck, a longtime attorney and advocate who reported on prison conditions as director of the Prison Visiting Project of the Correctional Association of New York.

Incarcerated students and advocates say that participation in an educational program can actually draw antagonism from some correctional staff.

I think a lot of individuals live in real fear while in the college program of getting removed, said Beck. Theyre doing so much work, theyre trying so hard, and they feel like they have to walk on eggshells to get through this program because certain people are looking to find any excuse to take that away from them. Although Beck said incarcerated students probably average fewer tickets than the prison population at large, they know that this arbitrariness of the disciplinary system hangs over their heads always, and if somebody starts that process, its likely that they will be found guilty and therefore have these negative consequences.

You hear a lot of officers sayingthat they feel disdain or anger, because were able to get a college education, said Richard, who received his Associates degree through the Cornell Prison Education Program (CPEP) and began his Bachelors degree through Nyack College, a Second Chance Pell site. He is now finishing his degree on the outside. Richard said that correctional officers seemed particularly angry at the idea of taxpayer money funding education programs for incarcerated people, even though many programs, including CPEP, are privately funded.

Jesse said he and his classmates at Five Points Correctional Facility were harassed by officers. Their classes occurred during dinner time, so he and other students ate separately after class. When you go into the mess hall, youre not allowed to have anything in your hands, so all of our books had to be placed outside the mess hall on the floor, he said. And every other day, somebody would get their stuff rooted through and thrown out. Other times, he said, correctional officers would make it a rule that they just come up with, where you cant carry your school books to other parts of the facility because they dont want you studying there. Its contraband in that area. And its like, Right. You just dont want me to do my homework.

In addition to losing educational opportunities, a student receiving a Tier 2 or 3 disciplinary ticket must endure the psychological and physical torture of solitary confinement.

You lose a lot when you go there, said Jerome Wright, an organizer with the #HALTSolitary Campaign, which works to sharply limit the use of solitary confinement in New York. And once in solitary, you receive nothing. No counseling, no therapy, no education, no programming, no spiritual or religious services, and then one hour maybe per day of recreation.

From 2015 to 2019, New Yorks rate of suicide in solitary confinement was more than five times the rate among the rest of its prison population, according to a recent report. People in solitary have higher rates of self-harm, and many experience depression, anxiety, or serious mental illnesses.

I spent time in solitary and the anxiety is high, the noise level is kept constant almost from sundown to sunup, so you sleep at any hour, you coddle yourself to sleep, said Wright. You always worry about whats going on around you because theres always a specter of police violence on you, theres always a specter of being gassed, or your water being cut off [by correctional officers]. They play games. They play with your life.

Advocates like Wright are pushing for the enactment of the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act. The HALT Act would limit the use of solitary confinement to 15 days for all incarcerated people, ban it altogether for vulnerable populations, and create new therapeutic units for those who require more time away from the general population.

The HALT Act also seeks to reform the disciplinary system and limit the extreme, discretionary punishments people can incur for minor infractions. There are several tenets to the bill, and they fall into the front end, before you get a ticket and with whats eligible for a long-

term confinement, and then on the back end, with the appeal process and oversight, explained Wright. There are steps along the way that would require prisons to have some type of oversight and accountability about whos going in for what charges.

The number of people experiencing some form of solitary confinement grew dramatically when COVID-19 hit the United States in March, and incarcerated people found themselves in grueling lockdowns. Programming and visitation came to a grinding halt. Educational programs were no exception.

At the time, Carlos was a student in the Cornell Prison Education Program (CPEP). When it first started, everything shut down and they just sent out paperwork saying, Listen, its not mandatory for you guys to read and do the studying, but you know, you can do it if you want, he explained. Some guys were down and out because they was expected to graduate this year. Everybody was still studying and reading and writing in hopes of things opening back up. To pass the time, Carlos and his creative writing classmates had a competition to see who could write the best paper.

Meanwhile, CPEP, Hudson Link, and other members of the New York Consortium for Higher Education in Prison refocused their attention and funds on a more immediate need: purchasing reusable masks for all 43,000 incarcerated people in New York State. CPEP alone repurposed $20,000 originally intended for classes.

Eventually, Carlos CPEP classes were completed via correspondence. As the pandemic continues, the program plans to offer enough classes for each student to enroll in at least one, according to Tess Wheelwright, CPEPs academic director. This will protect students academic statuses and keep them moving toward their degrees.

Second Chance Pell sites face additional difficulties during COVID-19, due to a rule prohibiting funds from being used unless there is regular and substantive interaction between faculty and students, explained Ruth Delaney, who works on postsecondary prison education programs at the Vera Institute of Justice. Second Chance Pell programs could not fall back on correspondence learning, and instead had to get creative with the limited technology available behind bars, such as repurposing a video conferencing system designed for parole hearings.

Advocates for prison education programs are hopeful that access will grow in the coming years. In July, the U.S.House of Representatives voted to reinstate Pell Grants for people in state and federal prisons. It does seem that there is a very high appetite for this to be pushed forward and for the Senate to pass it, said College and Community Fellowships Stephanie Bazell, who works on prison education policy. I actually would say that I definitively think Pell will pass, its just a question of when. Recently, restoring Pell grants was included in the Biden/Sanders Unity Task Force plan. New York advocates hope the renewed momentum toward Pell grant eligibility will push the state to reinstate TAP funding for incarcerated students.

The Vera Institute of Justice estimates that lifting the ban on Pell grants would grant access to 20,143 incarcerated people in New York. And if 50 percent of Pell-eligible incarcerated students decided to participate in a program, the state would save an estimated $37.8 million annually, due to lower rates of reoffending.

Advocates also note that prison education programs play a role in the fight for racial equity. Many people in New Yorks prisons come from overwhelmingly Black and brown communities where there is a complete lack of investment in education, explained Bazell. Both TAP and Pell interrupt those cycles by providing post-secondary education. And that is really key and important to closing the opportunity gap between Black individuals and white individuals. In the fall of 2016, Black students made up just over 10 percent of students in the State University of New York (SUNY) college system, but nearly 50 percent of New Yorks incarcerated college students.

For people who have participated in college programs from behind bars, the hold-up in expanding access to educationand the ease with which people can be kicked out of the programsis perplexing.

I would think that [college in prison] would be what people would want: to create a system where people can go into this place and learn, become smarter, sharper, or leave with some type of skills, said Richard. To put them in a position to come back out in the world and be successful. Not only be successful, but to give back to society We are from a number of different communities and we are coming home. And you know, were gonna have neighbors. So like, what type of neighbor do you want to have?

Full disclosure: The author of this article taught in the Cornell Prison Education Program from January 2019 to March 2019.

Banner photo: Solitary confinement unit in a New York State prison.

Alexandra Gibbons was an intern for Solitary Watch, and also interned in the Race, Prosperity, and Inclusion Initiative at The Brookings Institution. She will soon begin a job as an Associate in Research at Duke, studying the familial impacts of incarceration.

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