

Lessons Learned from Prison Education Interruption during Pandemic

Background: The Pandemic Behind Bars

As the novel coronavirus spreads across the country, the pandemic has raged through United States correctional facilities with little regard to the health of the incarcerated. Indeed, the ecology of these facilities makes them particularly vulnerable to illness and death. **As of mid-March 2021**, the rate of COVID-19 deaths per 100,000 people was **higher** for people who are incarcerated than the general population in **32 states**. Many people who have contact with the justice system are already more likely to face frequent, serious, chronic health issues. These conditions place them at **high risk** for contracting viruses as they move through the criminal justice process. Additionally, courts, detention centers, correctional facilities, and other spaces within the justice system invite disease transmission and complicate social distancing. These facilities are poorly equipped to manage serious medical issues. Moreover, because racism pervades all aspects of the justice system, people of color are **disproportionally** criminalized, **increasing their susceptibility** to COVID-19, the respiratory disease caused by the novel coronavirus.

As of March 26, 2021:		
	Positive cases of COVID-19	Deaths from COVID-19:
People who are incarcerated (U.S.)	390,951	2,502
Correctional staff	106,985	195

Source: [The Marshall Project](#) and [The Associated Press](#)

This grim situation underscores the calls for reducing the amount of people both entering and within the criminal justice system on the **state, local, and federal level**. This includes releasing the most vulnerable and those eligible for potential discretionary release and ensuring they have adequate resources to reenter their communities.

Coronavirus Shuttters the Prison Classroom

Unfortunately, the pandemic also affected access to postsecondary education and adult education in correctional facilities during the Spring 2020 term. Federal- and state-level mandates suspended visitation, interrupting the instruction of in-person courses.

Effects of Correctional Agencies' Visitation Policies on Spring 2020 Postsecondary Courses	
The Federal Bureau of Prisons	Confined people who are incarcerated to their cell or quarters for an initial 14-day period effective April 1 following suspension of visitations . However, the agency said people who are incarcerated would still have access to programs and services such as education.
The California Department of Corrections and Rehabilitation	Stopped offering in-person courses and holding rehabilitation programs and other group events, as well as all regular visits. The state's Office of Correctional Education indicated that it was working to provide in-cell education programs with credit-earning opportunities.
The Texas Department of Criminal Justice	Suspended visitations at state-owned facilities, with many units restricting inmates to their cells.
The Connecticut Department of Corrections	Suspended visits from family and volunteers. The new restrictions do not apply to employees teaching high school and GED classes, but do apply to volunteers providing postsecondary classes to people who are incarcerated.
The New York Department of Corrections and Community Supervision	Closed all its prisons to visitors, with the exception of non-contact legal visits. This resulted in canceling educational and vocational programs. The department says several facilities are developing plans for distance learning through video conferencing and telephone.

Learning under Lockdown: New Challenges in the Pandemic

The response of prison education programs to these sudden changes varied during spring 2020. Most traditional colleges moved courses online in the wake of pandemic-induced social distancing. However, prison education programs—including postsecondary programs—faced **technological and bureaucratic challenges** to continuing the term. Many programs needed to address **problems** such as incarcerated students lacking access to the internet; difficulties convincing a department of corrections to allow a remote learning program; and educators lacking consistent access to students.

The majority of prison education programs use an entirely face-to-face teaching model due to either prison security restrictions or lack of financial resources. Given the pandemic, they had to **improvise**. Work-arounds **included** mailing course work, or dropping boxes of course materials at correctional facilities; making classes pass/fail; **adjusting** assessment measures, course objectives, and outcomes; and **cutting summer terms**.

Notably, some of these methods resemble traditional correspondence courses. **For advocates and incarcerated students**, correspondence courses can lack the sense of community, social inclusivity, and interpersonal relationships that in-person learning provides in a carceral setting regularly devoid of

camaraderie. When unregulated, correspondence courses have **historically** lacked quality and support from instructors.

By contrast, **“regular and substantive interaction”** between student and instructor, and wraparound supports like online tutoring and counseling, can boost students’ academic success. For most incarcerated students, the in-person components of education programs are **even more important** than the academics.

Despite such drawbacks, this distance learning option was one approach to continue courses and limit COVID-19 exposure. But it also presented new hurdles to students seeking a postsecondary education. Correspondence courses are not eligible activities for Pell Grants under the Second Chance Pell program. While prison educators sought to waive this program rule to safely complete the spring term, such requests **were denied** by the U.S. Department of Education after a review. Although Second Chance Pell sites were not able to switch to correspondence courses, their students **did not have to forfeit** any of their years from the lifetime Pell eligibility due to provisions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The few programs already using technology and online instruction adapted more easily. For example:

- Ohio's Ashland University already used **tablet technology** to enable distance learning for most of its students who are incarcerated.
- Eighteen states that partner with American Prison Data Systems could utilize **educational tablets** with digital programs, large libraries of e-books, rehabilitative video exercises, and other resources.
- **Some programs** created video lectures and relied on other learning management systems.

Nevertheless, the majority of people who are incarcerated do not have access to this distance learning technology. Many programs **continued** these improvised workarounds beyond the spring term into the summer and fall terms.

Variations on a Theme: Disruptions to Prison Education

Unfortunately, disruptions to education in prison are not new. They are built into the brutal carceral system. In contrast to the organization and regimentation of a traditional college class, the typical postsecondary prison education program will routinely experience a range of disruptions:

- Day-to-day interruptions include **being unable to access a classroom**; a lockdown **canceling class**; delays of a food line; poor weather delaying the start of class; or **the transfer or release** of a student.
- Another oft-reported impediment is the interference of **correctional officers**. They may block students or college staff from classrooms for unexplained or arbitrary reasons, or hand out unjustified disciplinary tickets that could jeopardize students’ ability to continue classes.

Federal efforts have also limited learning opportunities in prison. In fact, congressional action may have caused the greatest overall disruption to prison education. In 1994, the Violent Crime Control and Law Enforcement Act made students **ineligible for Pell grants** if they were incarcerated in federal or state penal institutions. Consequently, postsecondary prison education programs **fell precipitously**. Enrollment dropped by 40 percent nationwide in 1995 and fell even more in the years immediately following the law’s enactment. After 26 years of a gutting impact on prison education, the Pell grant ineligibility for students who are incarcerated **was repealed** by Congress in late 2020. Nevertheless, challenges in providing quality postsecondary prison education will likely remain.

Denying people who are incarcerated access to consistent, quality education relates to the historic racial bias

in policy decisions influencing the public education system as a whole. It is worth noting that **the incarcerated population** is predominantly made up of people of color. The poor quality of their educational opportunities while incarcerated parallels the notoriously unequal primary and secondary education given to students of color outside prison walls. Nationwide, policymakers have maintained a **systemic pattern** in education that leaves schools serving students of color frequently underfunded and saturated with low-quality teaching. These educational settings **may very well lead** this population to prison in the first place. Disruptions to prison education threaten to exacerbate those consequences.

A New Normal: Effective Solutions to Postsecondary Prison Education during the Pandemic and Beyond

Despite the many challenges the pandemic presents to prison education, and postsecondary education in particular, advocates and people who are incarcerated have offered solutions that policymakers and others can actualize through intentional funding of quality education and flexibility in meeting diverse student populations' needs:

- **Funding room-based, video conference technology to stream the instructor into the classroom.** As suggested by the **Tennessee Higher Education in Prison Initiative**, the federal Bureau of Prisons (BOP) can fund the technology upgrades that would provide students uninterrupted access to instruction in lieu of in-person meetings. Classrooms can adopt conferencing technology many facilities use for parole hearings. Moreover, the federal government can use its authority over the BOP, or a limited waiver authority provided under the Higher Education Act, to take executive action that would experiment with integrating digital learning technology. The waiver could apply to select federal or state prisons - as applicable - with a mandate to evaluate its ability to effect assessments and outcomes as well as its impact on site security. This must be the first step to making greater investments in the technology needed to provide quality, state-of-the-art education for all students who are incarcerated.
- **Retroactively permitting Second Chance Pell programs' having switched to correspondence-style instruction to complete the spring term, where applicable.** In line with **guidance** offered to Second Chance Pell experimental sites, the U.S. Department of Education should allow this accommodation on a one-time, emergency basis to programs unable to secure digital or telephonic arrangements without jeopardizing Pell eligibility for the college or student. Outside of an unprecedented emergency like the pandemic however, educational avenues with a reputation for providing lower quality services should never be the default for incarcerated students at any stage of prison education.
- **Increase federal funding for correctional education overall, including through the Adult Education and Family Literacy Act and the Carl D. Perkins Act.** As demanded by **the Justice Roundtable** - a coalition of which CLASP is a part - federal policymakers must increase overall funding. Particularly, Congress should establish funding floors of 20 percent of Workforce Innovation and Opportunity Act (WIOA) title II funds and 10 percent of Vocational and Technical Education Act (Perkins Act) funds that must be directed to serving the education and workforce training of individuals who are incarcerated. This increase must ensure that programming is flexible and performance measures are tailored to the unique challenges individuals under correctional control face.
- **Waiving fees by companies providing tablets and e-readers in U.S. prisons and jails.** As demanded

by **a coalition of free expression and criminal justice reform groups**, companies who provide technology for prison education should waive the fees for educational and other programs to communicate with incarcerated students for the duration of the pandemic on these devices. Indeed, fees for all content the incarcerated can access on these and other devices—including phone calls—should be waived.

Policymakers must recognize that, in normal circumstances, online education should be used **to add to**—not replace—in-person instruction. Nevertheless, amid the COVID-19 crisis, securing greater distance learning materials is crucial. These solutions can be coupled with CLASP’s **other policy recommendations** for postsecondary education. Taken together, they can help leaders strengthen postsecondary prison education throughout and beyond the immediate pandemic.