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Comment
The paperwork burden to administer Federal financial aid for the Prison Education Program (PEP) is unfairly and excessively high for aid approval. Colleges must already go through the extensive process to request a substantive change for a new off-campus instructional site for accreditation. We would like to see an approval process incorporated into the e-App to support providing PEP for our previously approved programs of study, so all can be applied for and approved in one step.
The Department of Education should standardize the request for attachments for prison education programs completing the application.
Reentry counseling provided by a community-based partner with the eligible prison education program, institution, or correctional facility should be a mandatory component of the application.

The approval process and entity must not consider access to technology and the internet as a necessary component of substantial similarity in the decision-making process

The application indicates that “a separate form must be completed for each program.” The word choice of “program” here is not precise, and therefor unclear.

The application asks for information for both the prison and the oversight entity. What is the difference here? Is the oversight entity section for a contact at the central office level for the state
Department of Corrections? Clarity here would be helpful

How often will DOC need to pull this release and transfer for the College to share with the Department of Education? Will it b annually, or at the end of each semester, or something else?
More precise guidelines here will be needed to create the signed agreements.

This section seems to assume that 1) all colleges have a written articulation agreement, and 2) the credits earned through the campuses in prison are somehow different than those earned on main campuses. This section should include examples of acceptable information and/or documentation that could be provided by a college or university that doesn't have a written articulation agreement, but awards credits to students enrolled through the locations in the prisons that are transferrable to any accredited college in the country,
as is true for students on the main campus.

Use accessible and clear language throughout the PEP application

Suggested revision: (1) the length of the agreement and expiration date, (2) the frequency with which the institution will receive transfer and release data, and whether or not the PEP and oversight entity have set up academic holds to prevent unnecessary transfers for matriculated students (3), as applicable, into which State the most individuals will be released if a federal facility and, (4) as applicable, steps to be taken to protect the data in compliance with federal, State, and local laws:

In our view, it is a best practice in the field of college-in-prison for PEP transcripts to be and to function exactly the same as transcripts from an IHE's main campus. Credits should transfer for an incarcerated student just as they would for any other student from the IHE. The Department might consider also asking: Are incarcerated
student transcripts and transferability of credits comparable to the main campus and how?

Section G. Initial Oversight Entity Approval of PEP and Best Interest of Students Determination, reads
"please provide a summary of how the oversight entity initially approved the PEP. Please discuss the intended methodology, including thresholds, benchmarks, standards, metrics, data, and other information and how the oversight entity plans to colle
the information required by 34 CFR § 668.238(b)(4)."

Desire for ED to create more guidance for new institutions who are not familiar with PEP Regs

Recommend PEP Application capture institution accrediting agency general information in order to clearly articulate roles and provide PEPs with adequate guidance

Seeking clarity on Accrediting Agency approvals, guidance, and methodology

Aligning the naming of employment licensure to the regulations

Do not believe that the onus should fall on the DoC, but to the oversight entity

The proposed application contains sections that require information and sign-off from both the higher education institution and the oversight entity. We are concerned that requiring two entities to complete a single application form will be a process challenge that will likely (1) extend the time required to complete the application, and (2) increase the likelihood of bureaucratic snafus. We suggest a different process that avoids requiring the higher education institution and the oversight entity from having to complete the same application form

The PEP approval process requires the accrediting agency (in HWPEP's case this is the Higher Learning Commission) to "approve" the PEP before DOE will review the PEP application for ultimate approval. We agree with the final rules that allow the accrediting agency latitude in determining the process they may use to approve such programs, including previous approvals of the prison as an "additional location" to satisfy the DOE requirements.

Section 2.C: Accrediting Agency Information and Approval Documentation:
The consortium is unsure what information in needed here. Are you looking for preapproval from Higher Learning Commissior (HLC) and/or Kansas Board of Regents
(KBOR) for each PEP? Is this simply ensuring each school has the appropriate approval to offer courses at a facility?

This section seems to assume that all colleges have a written articulation agreement, all programs are meant to transfer, and that the credits earned through the campuses in prison are somehow different than those earned on main campuses. This section should include examples of acceptable information and/or documentation that could be provided by a college or university that doesn't have a written articulation agreement, are transferrable to any accredited college in the country, as is true for students on the main campus.

Instructions Section: The application indicates that “a separate form must be completed for each program.” The word choice of “program” here is not precise, and therefor unclear. Does this refer to each prison facility? Does it refer to different academic programs/degrees offered at the same prison location? Using a term here that provides more clarity and direction would be helpful.

We recommend removing all sections requiring direct responses and certifications from any agency that is not the submitting institution of higher education. Instead, we recommend that the Department create a standardized attachable form to be completed by the oversight entity and returned to the submitting postsecondary institution to be attached to the Prison Education Program application in Department designated areas. THEI also recommends that the Department set in place a timeframe for completion of the needed documentation from oversight entities.

We recommend clarification from the Department in the following areas:
1) Add a brief definitions section to the PEP Application General Instructions.
We recommend including at least the following definitions:
a) Additional Location
b) Correctional Facility

c) Oversight Entity

2) Standardize the information that must be included in Attachment 2 - Accrediting Agency Approval Documentation

3) Section 3-B
a) Clarify that ALL restrictions, including those placed by the oversight entity, be listed and explained here.

4) Section 3-C and Attachment 4 - Types of Services Offered to Admitted Students
a) Require that the postsecondary institution describe the mode, method, and format of the support services provided.
i) These will vary widely across correctional facilities and it will be important for the Department to ensure effective delivery of support services.

Create a process that avoids requiring colleges to certify the actions of both accreditors and the oversight entity.

Require oversight entities to explain how they ensure criteria are met.

Add a question to distinguish whether applicants are seeking Pell grants to fund students in new programs, or planning to use Pell grants to supplement funding of existing programs that have been running without Pell grants.

The first checkbox in Section 2.C addresses the best interest determination. However, the determination is the final step in a multi-year process, occurring after the program has been operating for two years. We recommend moving the checkbox further down the form and adding language to clarify the timeline for the best interest determination.

The checkboxes in Section 2.C contemplate that the institution is either seeking approval of the first program at the first two locations or the second or subsequent program at the first two locations. However, the data we collected from our institutions indicate that many will be seeking approval via the substantive change process for only one additional location with one program at a time. Such an institution will not have a clear choice of the box to check on this form. We recommend that the form be organized with each location offered as a separate choice to allow for flexibility

The second checkbox is for a second or subsequent PEP beyond the first PEP at the first two additional locations and the institution is reporting the program as required under 34 CFR § 600.21(a)(14). Since the regulations will not require accreditors to approve a second or subsequent PEP beyond the first PEP at the first two additional locations, it would be helpful if the Department could clarify the statement about the approval documentation meeting the requirements of the institution's accrediting agency.

On page 1 of the form, because the Instructions section includes a role for the oversight entity, we suggest that this be clarified in the very first sentence as follows:
This form is to be completed by institutions of higher education or postsecondary vocational institutions (institutions) applying to the U.S. Department of Education (Department) for approval of a Prison Education Program (PEP) in collaboration with the appropriate State department of corrections or other entity responsible for overseeing correctional facilities or the Federal Bureau of Prisons, if applicable (Oversight entity).

Also, on page 1 of the form, the first bullet in the Instructions section should include language indicating an expectation of prior approval for all PEP programs.

By checking this box, I, the institution contact person submitting this form identified in Section 1, certify that the institution ha not had any of the following negative actions included at 34 CFR §§ 668.236(a)(5) and 668.238(c) by an accrediting agency or State approval agency in the past 5 years from the date of submission of this application, and is not currently subject to any initiated adverse action as required by 34 CFR §668.236(a)(6). In sum, I certify that none of the following apply to my institutic in accordance with the aforementioned federal regulations:

i) Any suspension, emergency action, or termination of programs under Title IV of the Higher Education Act of 1964 (as amended);

ii) Any final accrediting action that is an adverse action as defined in 34 CFR 602.3 or otherwise defined by the institution's accrediting agency;

iii) Any action by the State to revoke a license or other authorit

On page 3 of the form, under Section 2.C, we would encourage alternative wording for clarity given the order of operations the Department has set forth in its procedure for PEP approval:

☐By checking this box, I, the institution contact person submitting this form identified in Section 1, certify that after the institution's first best interest determination is made for the eligible prison education program in collaboration with the oversight entity, the institution promptly submitted for review and approval to the institution's accrediting agency will promptly review and approve the methodology for how the institution in collaboration with the oversight entity, made the determination that the prison education program meets the same standards as substantially similar programs that are

On the top of page 6 of the form, where transferability of credits is referenced, please consider slightly stronger language that requires the institution to "verify" that credits can be transferred to at least one eligible public or private nonprofit institution in the state where the correctional facility is located. This would indicate a level of due diligence beyond checking an institution's website, for example.

What is the commenter asking?

The commenter would like the PEP approval process to be streamlined to reduce burden.

Standardized process for requesting attachments

The Department should at a minimum, a list of resources for students, including organizational contacts and/or locations, should be provided to the Department of Education prior to approval to ensure students are guaranteed support upon reentry.

The Department of Education should ensure there are standards understood by the accrediting agencies surrounding the need for programs to be as similar as possible under the particular circumstances of correctional institutions (i.e. no library, internet, research, technology)

Commenter is asking to change the word choice of program.

Explain the difference between the oversight entity and prison

Clarity of the timeframe on DoC need to pull the release and transfer data to the Department of Education

Asking for more guidance on articulation agreement

Be mindful of the word choice throughout the form to improve accessibility and clarity.

The framing of this section ignores the practice that has been found to have the highest success for retention of degree completion rates, which are academic hold agreements between colleges and Departments of Correction.

Under an academic hold, students enrolled in a PEP are not transferred to other facilities except sometimes with the coordination of the PEP (and student) into another facility where the PEP operates or under other specific circumstances. When there are no academic holds, incarcerated students often do not complete degrees with the college they first enroll with and they are less likely to complete degrees at all. When there are academic holds, the majority of students do finish their degrees with that college, assuming there is time to do so.

The absence of naming or asking about academic holds in the Department's application normalizes the very practice of random facility transfers that most disrupts incarcerated students' ability to complete a degree in prison. By including an additional line in this section of the application that also asks about academic holds, the Department would make this important policy more visible and send a powerful

The Department should clarify: If the PEP follows the same transferability of credits for students coming into
and going out of the PEP as a transcript from the main campus, would that qualify as a "transfer policy?"

Would a statement attesting to this fact qualify as "documentation?

This question, as written, does not seem to anticipate programs that have been running for many years prior to the new PEP regulations. Most programs that exist today were not approved in ways that included plans for thresholds, benchmarks, metrics, or data between colleges and the prisons they operate in.

We suggest that the Department clarify what is acceptable as a "summary of how the oversight entity initially approved the program." Is it possible, for example, for a program to submit a short narrative description of how a program might have come into being decades ago?

ED to create streamlined and more clear instructions

Capture accrediting agency contact information

PEP Accreditation Guidance

Change the heading of the employment licensure

We recommend that the accrediting agency or the appropriate institution accreditation liaison be included as a signatory on the PEP application.

Seeking clarity on the program approval process

N/A

N/A

Add 3 definitions

Asking ED to reorganize or create new forms to create a more streamlined experience

Desire end to require the oversight entity to certify how they will meet certain criteria

Want to distinguish between new programs and longstanding programs

Suggesting the best interest determination checkbox to be moved further down

Desire for the Department could clarify the statement about the approval documentation meeting the requirements of the institution’s accrediting agency.

Update and clarify 1st sentence

N/A

Updating language

Document ID	Commenter	Formal Response
ED-2023-SCC-0037-0004	Teresa Harrison	The Department appreciates the comment. Institutions will use the E-App to report PEPs. However, the PEP approval form is necessary to collect the required certifications from all applicable partners that are part of the PEP process.
ED-2023-SCC-0037-0005	College and Community Fellowship	The Department will not have a standardized process. Institutions can email questions regarding the approval form or documents accepted for attachments to: pep@ed.gov.
ED-2023-SCC-0037-0005	College and Community Fellowship	There is no regulatory requirement for the Department to do this. We encourage schools to work with their oversight entity and other interested stakeholders to do so.

ED-2023-SCC-0037-0005	College and Community Fellowship	The Department cannot include this information on the Form and will not make this suggested update. However, the Department plans to publish subregulatory guidance to provide more information to all partners regarding the PEP approval process.
ED-2023-SCC-0037-0006	Goucher Prep	The Department updated the form to clarify that a separate form is required for each program.
ED-2023-SCC-0037-0006	Goucher Prep	The Department added the definition of oversight entity to Section 5.

ED-2023-SCC-0037-0006	Goucher Prep	The Department is unable to provide precise guidelines on the timeframe for pulling transfer and release data.
ED-2023-SCC-0037-0006	Goucher Prep	The Department has updated the form to include more information on the articulation agreement.
ED-2023-SCC-0037-0007	Bard Prison Initiative	We appreciate the comment and have updated the language throughout the application to be as accessible and consistent as possible.

ED-2023-SCC-0037-0007	Bard Prison Initiative	We decline updating this language. We did not regulate to mandate institutions must use academic holds as part of their transfer and release policy.
ED-2023-SCC-0037-0007	Bard Prison Initiative	The Department considers this a policy related question and does not believe this comment is applicable to the Form. Institutions with policy related questions should reach out to: PEP@ed.gov.
ED-2023-SCC-0037-0007	Bard Prison Initiative	The Department appreciates the suggested edit but does not believe the edit is necessary on the PEP Approval Form.

ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	The Department has provided information in our ongoing releases of subregulatory guidance and our Dear Colleague Letter GEN-23-05. Please see our website here for the latest guidance: https://fsapartners.ed.gov/knowledge-center/topics/prison-education-programs
ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	The Department will not collect the Institution Accrediting Agency contact information on the Prison Education Approval Form as that information is already known to the Department.
ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	The Department has addressed this comment in our Dear Colleague Letter GEN-23-05.
ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	We have updated the form to clarify that it is *Licensure* or Employment profession not prohibited in Section 3 G.

ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	The Department is only requiring a statement from the institution on how the institution may be assessed by the oversight entity under the Best Interest Determination. No updates will be made to the form based on this comment.
ED-2023-SCC-0037-0008	John Jay College of Criminal Justice	The applicable accrediting agency information documentation will be collected as part of the E-App process. The Department will not consider adding the accrediting agency as a required certification or signature on the form.
ED-2023-SCC-0037-0009	Hope Western Prison Education Program	We have received multiple comments on creating a separate oversight entity form. The Department will not create a separate form.

ED-2023-SCC-0037-0009	Hope Western Prison Education Program	The commenters interpretation of the final rule would require a correction. However, the Department is not considering any changes to the final rule.
ED-2023-SCC-0037-0010	Kansas Consortium	The Department believes that accrediting agencies, such as HLC, will have documentation for the second or subsequent PEP beyond the first PEP at the first two additional locations. The institution must provide documentation that the accrediting agency is required to generate under 34 CFR §§ 602.22(a)(1)(ii)(I) or 602.22(c). In further discussion, we have removed the word "approval" since the documentation that the accrediting agency generates may not require specific approval of additional PEPs.
ED-2023-SCC-0037-0010	Kansas Consortium	The Department appreciates this comment and has received other similar comments from other commenters and made updates to the form based on the comments.

ED-2023-SCC-0037-0010	Kansas Consortium	The Department appreciates this comment and has received similar comments from other commenters and made updates to the form based on the comments.
ED-2023-SCC-0037-0011	Tennessee Higher Education Initiative	The Department will not consider separating the form by each entity.
ED-2023-SCC-0037-0011	Tennessee Higher Education Initiative	Thank you. We had added the definition of oversight entity. We also plan on releasing subregulatory guidance and providing additional links here: https://fsapartners.ed.gov/knowledge-center/topics/prison-education-programs

ED-2023-SCC-0037-0011	Tennessee Higher Education Initiative	We decline this suggestion. The Department will not further standardize the document in order to preserve flexibility.
ED-2023-SCC-0037-0011	Tennessee Higher Education Initiative	We have updated this section to reflect your comments.
ED-2023-SCC-0037-0011	Tennessee Higher Education Initiative	The Department appreciates this comment but will not make any updates to the form.

ED-2023-SCC-0037-0012	Hudson Link for Higher Education	We decline this suggestion. We are concerned that in breaking the form into multiple sections those sections may be difficult to track both by applicants and by the Department, and, may result in partner entities not understanding all of their obligations and requirements under the prison education program.
ED-2023-SCC-0037-0012	Hudson Link for Higher Education	We decline this suggestion as this process does not need to be finalized until two years after PEP program approval.
ED-2023-SCC-0037-0012	Hudson Link for Higher Education	This is not a requirement for Prison Education Programs and the Department will not include this information on the application.

ED-2023-SCC-0037-0013	MSCHE	The Department has made the suggested change on the form.
ED-2023-SCC-0037-0013	MSCHE	The Department appreciates this comment but will not make any updates to the form.
ED-2023-SCC-0037-0013	MSCHE	The Department appreciates this comment and has received similar comments from other commenters regarding providing more clarity As a result, updates were made to Section 2.

ED-2023-SCC-0037-0014	Higher Learning Commission	The Department updated the instructions on the Form to address this comment.
ED-2023-SCC-0037-0014	Higher Learning Commission	The Department believes that this comment is not a requirement for the PEP approval form.
ED-2023-SCC-0037-0014	Higher Learning Commission	The Department appreciates the suggested edit and has updated the form language in this section accordingly.

ED-2023-SCC-0037-0014	Higher Learning Commission	After further discussion, the Department has removed this certification in response to other commenters.
ED-2023-SCC-0037-0014	Higher Learning Commission	The Department declines updating this language since it may go beyond our existing regulatory authority.