



Prison Education Programs Subcommittee

(Short)

Report-Out to Session Three
Negotiated Rulemaking Committee
Affordability and Student Loans
December 8, 2021



Overview

- Areas of consensus
- Areas with no consensus (as at 11/10/2021)
- Updated amendatory language
- Recommendations from the subcommittee
- Questions




Summary: Areas of Consensus*

- 13 sections

- **34 CFR § 600.2 Definitions**
- **34 CFR § 600.7 Conditions of institutional ineligibility**
- **34 CFR § 600.10 Date, extent, duration, and consequence of eligibility**
- **34 CFR § 600.21 Updating application information**
- **34 CFR 668.8 Eligible Program**
- **34 CFR § 668.32 Student Eligibility – general**
- **34 CFR § 668.43 Institutional Information
(668 Subpart P – Prison Education Programs)**
- **34 CFR § 668.234 Scope and Purpose**
- **34 CFR § 668.237 Accreditation Requirements**
- **34 CFR § 668.239 Reporting Requirements**
- **34 CFR § 668.240 Limit or Termination of Approval**
- **34 CFR § 668.242 Transition to Prison Education Program**
- **34 CFR § 690.62 Calculation of a Federal Pell Grant**

* (as noted by temperature checks on the final day of the subcommittee [11/10/2021])



Summary: Areas with No Consensus* - 4 sections

(668 Subpart P – Prison Education Programs)

- **34 CFR § 668.235 Definitions**
- **34 CFR § 668.236 Eligible Prison Education Programs**
- **34 CFR § 668.238 Application Requirements**
- **34 CFR § 668.241 Best Interest Determination**

***(as noted by temperature checks on the final day of the subcommittee [11/10/2021])**



Updated Amendatory Language from ED (11/30/2021)

ED provided new language for the subcommittee on 11/30/2021.

(See v. 5 of the document on ED's [web page](#).)

Most of the new language offered by ED addressed many of the subcommittee's language concerns in these areas:

(668 Subpart P – Prison Education Programs)

- 34 CFR § 668.235 Definitions
- 34 CFR § 668.236 Eligible Prison Education Programs
- 34 CFR § 668.241 Best Interest Determination

Also, while ED did not provide any new language for section

- 34 CFR § 668.238 Application Requirements

the feedback and/or re-application process listed in 34 CFR § 668.235 and 34 CFR § 668.241 addresses the subcommittee's previous concern.



Recommendations by the Subcommittee to the Main Committee

1. Areas of consensus.

The subcommittee strongly encourages the main committee follow our lead and vote in favor of the proposed amendatory language.

2. Areas of no consensus (11/10/2021) and ED's new 11/30/2021 language:

Had the subcommittee had the chance to complete another temperature check prior to this meeting, we feel confident that the subcommittee likely would have reached consensus on ED's 11/30/2021 amendatory language document. We, therefore, strongly encourage the committee to vote in favor of the proposed amendatory language.



Questions?