

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
AFFORDABILITY AND STUDENT LOANS COMMITTEE
SESSION 2, DAY 1, MORNING
November 1, 2021

On the 1st day of November, 2021, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MS. MACK: Thank you. Good morning, everyone. My name is Kayla Mack and I am a third party federal facilitator with FMCS. I want to welcome each and every one of you back to the Department of Education's negotiated rulemaking. Specifically, I am welcoming you to opening day of session two with the Affordability and Student Loans Committee. We are going to begin today with introductions of everyone, a few procedural and technological reminders, and then we're going to move you directly into our first agenda item, which is in fact the presentation today on one of our issues. First, let's begin with introductions. I would like to invite the Department of Education negotiator, Ms. Jennifer Hong, to introduce yourself, and please let us know, Jennifer, if you have any remarks that need to be shared this morning.

MS. HONG: Thank you, Kayla, just. First of all, good morning. Welcome back to session number two of Negotiated Rulemaking for the Affordability and Student Loans table. My name is Jennifer Hong and I'm the federal negotiator representing the Department on these critical issues we're discussing this week in the student loan programs. I'd like to welcome back our esteemed committee members.

We have received your data requests and proposals to us in the intervening weeks regarding our issue papers and proposed regulatory language. We have tried to review those proposals and provide feedback and look forward to discussing them further this week. I just want to emphasize that taking those proposed concepts and translating them into proposed regulatory text is the most effective way to move these discussions forward. So I plead this week in submitting proposals to us that they are in draft regulatory text form. Something about actually drafting the right text compels us to think and talk about such a proposal, how such a proposal may fit in the existing regulatory scheme and allows us to think about make conforming changes as necessary. In addition to getting us proposals in the form of draft regulatory text, we request that to the extent possible, we can receive that language timely. You are proposing some very helpful ideas and we want to be able to review and consider them for the next session. In thinking about this, just as a reminder, we aim to get the proposed language to you seven days prior to the next session, which means we start finalizing that language for distribution well in advance of the seven-day timeframe. That being said, if we could, if we could receive the draft language either during the session or shortly

thereafter, it would be very helpful in moving our discussions forward. Again, I realize that some of these issues take time in deliberation and to the extent possible, if we could get those on earlier and we can incorporate them timely. As far as data requests go, we've received several. We are prioritizing those requests as best as we can and pulling those data as appropriate. The way some of these requests are framed has a bearing on the degree of relevancy to the particular issue we are negotiating. So please do keep that in mind as we will continue to prioritize given the volume of requests and the scope of this rulemaking. So thank you. I look forward to this week's discussion and I'll hand it back over to Kayla for introductions.

MS. MACK: Thank you, Jennifer. I would also like to note that we have a couple of folks from the Department's Office of General Counsel. First, Brian Siegel, if you would like to say hello.

MR. SIEGEL: Hello. Welcome back and I look forward to the discussions over the next week.

MS. MACK: Thank you, Brian. And I also think that I saw Mr. Soren Lagaard check in. Soren, if you're here and would like to say hello to the group, please feel free to do so at this time.

MR. LAGAARD: Thank you so much, yes,

this is Soren Lagaard and I'll be participating in the PSLF portion of the program.

MS. MACK: Perfect, thank you. In addition, from the Department, you have seen these folks before, they have worn a number of hats to support us. We have with us first Ms. Vanessa Gomez, who I think we'll be helping with some screen sharing today. Vanessa, would you like to check in?

MS. GOMEZ: Hi, everyone, good morning.

MS. MACK: Thanks, Vanessa. And we also have Mr. Aaron Washington, who will be participating in our first issue. He's been working on behalf of the Department with our Prison Education Program Subcommittee. Good morning, Aaron.

MR. WASHINGTON: Good morning. Hello, everybody.

MS. MACK: Alright. Next, I would like to introduce you all and our viewing public to our esteemed committee, both our primary and alternate members. So I'm just going to have you do a very brief check-in with us as I call your constituency and name. First, on behalf of accrediting agencies, we have our primary Dr. Heather Perfetti.

DR. PERFETTI: Morning, everyone,

great to be back with you all.

MS. MACK: Thanks, Heather. We have our alternate, Dr. Michale McComis.

DR. MCCOMIS: Good morning, Michale McComis. Good to see everyone.

MS. MACK: Thank you, Michale, for our constituency group dependent students, we have our primary miss Dixie Samaniego.

MS. SAMANIEGO: Good morning, everyone. Looking forward to this week and my pronouns are ella/she/hers in case you couldn't see my name.

MS. MACK: Thank you, Dixie and our alternate, Mr. Greg Norwood.

MR. NORWOOD: Morning. Good to be here again. Can't wait to see what this week looks like.

MS. MACK: Alright. Thanks, Greg. For the constituency group, Federal Family Education Loan lenders and/or guarantee agencies, we have our primary, Ms. Jaye O'Connell.

MS. O'CONNELL: Morning, nice to see everyone.

MS. MACK: Thanks, Jaye. And our alternate, Mr. Will Shaffner.

MR. SHAFFNER: Hi, Kayla, thanks. Hi, everyone. Good morning, and here's to a productive week.

MS. MACK: Thanks, Will. For our constituency group, financial aid administrators at postsecondary institutions, we have our primary, doctor, I'm sorry, Mr. Daniel Barkowitz.

MR. BARKOWITZ: Thank you for the promotion, Kayla, I appreciate it. I'm ABD, but that's fine. So good morning, everyone, happy to spend the week with you once again.

MS. MACK: Thanks, Daniel, and we have our alternate Ms. Alyssa Dobson.

MS. DOBSON: Hello, everybody. Glad to be here this Monday morning, Alyssa Dobson from Slippery Rock University.

MS. MACK: Thanks, Alyssa. For four-year public institutions, we have our primary, Dr. Marjorie Dorime-Williams.

DR. DORIME-WILLIAMS: Good morning, everyone. Dr. Dorime-Williams here, excited for another session.

MS. MACK: And we have our alternate, Ms. Rachelle Feldman.

MS. FELDMAN: Hello everybody, happy to be here.

MS. MACK: Thank you, ladies. For our constituency group, independent students, we have our

primary Ms. Michaela Martin.

MS. MARTIN: Good morning, Michaela Martin, with independent student.

MS. MACK: Thanks, Michaela, and we have our alternate Dr. Stanley Andrisse.

DR. ANDRISSE: Good morning, everyone. Pleasure to be here.

MS. MACK: Thank you both. For our constituency group individuals with disabilities or groups representing them, we have our primary Ms. Bethany Lilly.

MS. LILLY: Hello, everybody.

MS. MACK: Welcome back, Bethany. And we have our alternate, Mr. John Whitelaw.

MR. WHITELAW: Good morning. Glad to be back again (inaudible) productive week.

MS. MACK: Good morning, John. Alright, for our constituency group legal assistance organizations that represent students and/or borrowers, we have our primary, Ms. Persis Yu.

MS. YU: Good morning. Good to see everyone today.

MS. MACK: Good morning, Persis. And we have our alternate, Mr. Joshua Rovenger.

MR. ROVENGER: Good morning, everyone.

MS. MACK: Good morning. For a constituency group, minority serving institutions, we have our alternate who sat in last session as primary and will continue to do so for session two, Ms. Noelia Gonzalez.

MS. GONZALEZ: Good morning. Nice to see everyone.

MS. MACK: Good morning, Noelia. For a constituency group, private nonprofit institutions, we have our primary, Ms. Misty Sabouneh.

MS. SABOUNEH: Good morning, everyone.

MS. MACK: Good morning, and we have our alternate Dr. Terrence McTier, Jr.

DR. MCTIER: Good morning, everyone.

MS. MACK: Morning. For proprietary institutions, we have our primary Ms. Jessica Barry.

MS. BARRY: Good morning, everyone, Jessica Barry here with proprietary schools.

MS. MACK: And we have our alternate Dr. Carol Colvin.

DR. COLVIN: Good morning, everyone.

MS. MACK: Good morning, Carol. For our constituency group, state attorneys general, we have our primary. Mr. Joseph Sanders.

MR. SANDERS: Good morning, everyone.

Glad to be back for another week.

MS. MACK: And our alternate, Mr. Eric Apar.

MR. APAR: Hi, everyone, good to see you again. Looking forward to this week.

MS. MACK: Alright, for our constituency group state higher education executive officers, state authorizing agencies and/or state regulatory regulators, I believe our primary Dr. David Tandberg will be joining us momentarily. But for now, we have our alternate, Ms. Suzanne Martindale.

MS. MARTINDALE: Yes, hi, good morning, everybody, happy to join the week with you.

MS. MACK: Thanks, Suzanne. For our constituency group student loan borrowers primary, Ms. Jeri O'Bryan-Losee.

MS. O'BRYAN-LOSEE: Hello, everybody. I'm going to fix my camera so I'm not staring off into the middle distance. I'm actually looking at you all, but I'm looking forward to this week.

MS. MACK: Thanks, Jeri. And we have our alternate, Ms. Jennifer Cardenas.

MS. CARDENAS: Buenos dias, good morning. Looking forward to this week.

MS. MACK: Thanks, Jen. For two-year

public institutions, we have our primary, Dr. Robert Ayala.

MR. AYALA: Good morning, ladies and gentlemen. Excited to be here with you all this week.

MS. MACK: Thanks, Robert, and we also have our alternate, Dr. Christina Tangalakis.

MS. TANGALAKIS: Good morning, and from Southern California, I'm glad to be here again.

MS. MACK: Early morning in Southern California right now. Alright, from our constituency group, United States service members, veterans or groups representing them, we have our primary Mr. Justin Hauschild.

MR. HAUSCHILD: Good morning, everybody, looking forward to this week's conversation.

MS. MACK: Thank you, Justin, and our alternate Ms. Emily DeVito.

MS. DEVITO: Good morning, wonderful to see you all again.

MS. MACK: Alright, thank you for your introductions and checking in with us this morning. It's now my pleasure to make a couple of additional introductions. We have two expert advisors with us who are not participating in our consensus checks, but they are in fact advising the committee in their important

work based on experience and research-based information, data, and regulatory recommendations. First, I'd like to introduce you all and welcome back, advisor on economic and/or higher education data, Dr. Rajeev Darolia.

MR. DAROLIA: Good to see you.

MS. MACK: Thanks, Raj. And our advisor on qualifying employers on the topic of public service loan forgiveness, Ms. Heather Jarvis.

MS. JARVIS: Good morning. Nice to see you.

MS. MACK: Alright? Thank you, all. Lastly, I will reintroduce you all to your FMCS facilitation team. Keep in mind, the Federal Mediation and Conciliation Service here is working in the capacity of a third party neutral. We want to be able for your process to host the technology and the platform and assist you with any questions, concerns or issues that arise in that arena. We will be facilitating the discussion and the consensus for each issue. We will work with you to enforce the ground rules or the organizational protocols. We're going to work with the committee as appropriate in breakouts and caucuses. We will solicit and distribute information and documents as we have been during and since session one. And then we will try to capture the process and the progress in the

drafting of those session summaries for you. So we are here to assist you in every step of the way. Before I move to introduce my colleagues, I want to refer back to, Mr. David Tandberg has now joined us. David, hello and welcome. We just went through introductions, so I wanted to take that moment to mention that you had joined us. Alright. As for my colleagues, I'm going to ask them to briefly check in and say hello. Emil.

MR. TONONCHI: Hi, everyone. Emil Totonchi, happy to be here with you.

MS. MACK: Thank you, Emil. Cindy.

MS. JEFFRIES: Good morning, Cindy Jeffries also, happy to be here with you again.

MS. MACK: And Brady.

MR. ROBERTS: Hey, good morning, everyone. Brady Roberts, similarly, very happy to be here.

MS. MACK: Alright. Perfect. In one moment, I'm going to have an additional introduction or two because we have guests who are joining us for the purpose of giving a presentation. But before I do those introductions and get into our first substantive issue, I have a few reminders. If you have not already done so, please conform your naming convention as we did last time. It should be first name and then a P or an A for

primary or alternate, or you can place advisor and then an abbreviated reference to your constituency group. So if you haven't already done so, please do that so that we're consistent with last time and we will make it easy for each other and the public to identify us. While you are not speaking, please utilize your mute button. Everyone did an excellent job of that last time. We're going to continue to do so so that we can minimize any distractions or background noise. If you have something to share at any portion of our session together, please utilize that virtual hand. We will do so just as we did in session one. It worked well. We will call on folks in the order in which you raise your hand, deviating only in instances where it makes sense to do so for our process. For instance, if the Department has an immediate response to a question asked, otherwise we will go in order of those hands raised. Let's see if you have any technology questions or concerns today, please contact Brady, he's going to be our tech guru. I'm going to have him place his email in the chat. Feel free to email him directly or utilize the chat feature if you need any assistance throughout today's session. Note on the chat feature. You all shared an abundance of good information there last time. We also use the chat to show support for each other's comments and contributions

so that we could cut down on duplicative dialog. I want to encourage you all to do so again in session two. Keep in mind whatever is shared in the group chat will be subject to an ongoing transcript. But if you send a direct message to someone not including the Department of Education, it will not be made part of that transcript. So if you send a direct message to one of your fellow committee members or to FMCS again, that will be separate from the transcript. Each day, the public is going to have the opportunity to log in and observe the session via livestreaming. The Department has posted a registration link on their website for that. We have that website. We shared it in the past in the chat. Brady, if we have that cued up, we can share that website's link again. Again, here you can register for committee and subcommittee viewing options, but also all of the documents that we have shared with you or that have been shared with the committee will be posted there if they have not already done so. In our first session, we had the primary stay on camera. We're going to do that again. So momentarily I will be asking our alternates and advisors to go off camera, remember advisors and alternates, you will come back on camera when you are substituting in for an issue or being asked to speak on a particular subtopic. You all did an

amazing job last time of giving us advance notice when you wanted to invite an alternate to the table to either take your place or to speak on an issue. We're just going to ask that you continue to do so so that we can recognize folks and keep in mind who are our appropriate consensus folks at any given time when we are going to take an official consensus check or a temperature check. Again on consensus, last time we had you do a number of temperature checks. In session two, we may actually get to a an official consensus check on one or more of these issues. Either way, we will make it clear if we are asking for your thumbs, whether or not we are taking a temperature check for a tentative agreement or an official consensus check. Remember, in session one, we utilized a three thumb approach. I'm going to remind you what those are, and I want you to let me know if you have any questions or concerns. Up was an outright expression of agreement, which means you are in full agreement and support of what is being proposed. Sideways, this is also an expression of agreement, but it is in fact an indication that you may not feel as strongly favorable as you do on other things where you are in fact up. But sideways does in fact mean that you do not have any serious reservations as to what is being proposed and you are in agreement. If we do a consensus

check and everyone is up and/or sideways, we have reached consensus. If you have a serious reservation about what is being proposed, that is when you would indicate a downward thumb. At that time, we will ask you to articulate for the facilitation team, the Department and your committee members why, in fact, you are down, what your serious reservations are. Okay? So that is the consensus check model that we are going to continue utilizing. And remember, we are going to be taking those consensus checks issue by issue. And just as we did in session one, we'll continue that. And last but not least, the last 30 minutes of our session will be for public comments. The Department has continued to solicit folks to sign up for those slots. Not only are we having those folks sign up for the 30 minutes, but we're taking a wait list of folks. That way we can make sure that we continue to have a full and robust 30 minutes of public comment at the end of each day. And that concludes my opening remarks. So at this time, I would love to invite our alternates and our advisors to turn their cameras off so that we can get into our agenda. Persis, I see your hand.

MS. YU: Thank you. I wanted to raise a question about the public comment period, as I understand there were folks who were unable to speak,

and I want to make sure that we do have enough time to hear all of the folks who want to provide public testimony. If we are again in a situation where folks are unable to get a slot, is the Department or the facilitators willing to build in extra time for public comment?

MS. MACK: So we have not discussed with the Department building in extra time at the end of the day, it's something that we could perhaps visit with them on a break and talk about that. The one thing that I would say is anybody who is on that waiting list and we don't get please continue to sign up for subsequent days' slots so that we can try to get in as many folks as we possibly can within that time and again, we'll continue building out the wait list so that we can fit in as many folks. But I appreciate the question Persis, and we will visit with the Department on that inquiry.

MS. YU: Thank you.

MS. MACK: Okay. Any other questions or comments before we get into our agenda?

MS. JEFFRIES: Kayla, I just want to call attention to I believe Carol is acting as primary for proprietary in place of Jessica, and Dr. McTier is in for private I can't tell, instead of Misty. Is that correct? Okay.

MS. MACK: Alright, and we also have Mr. Stan Andrisse in for his constituency as well. Alright. Perfect. And Greg is in for dependent students. Thank you. Alright. So we have a number of alternates in, at least for this particular issue. If and when you as alternates are going to sub out and the primaries are going to come back in, please give us a quick message in the chat so that we can call everyone's attention to that. Thanks for that, Cindy. Alright, last week, we emailed out all of you a tentative agenda for this session, and that is the order in which we intend to address issues. Keep in mind, it could be subject to change based on information that we receive. But if there are any changes to note, we will provide you with this early advance notice, as we can on that. With that said, our first agenda item is your issue number 12 Pell Grant Eligibility for Prison Education. As promised, I had another introduction or two to make, but today we are going to receive a presentation from representatives who are serving on that committee. So Stan Andrisse is on that committee, so he will be part of that presentation. But it's also my pleasure to invite an introduction from Ms. Belinda Wheeler, who is also a subcommittee member. Belinda, would you like to introduce yourself?

DR. WHEELER: Thank you very much. Good day, everyone. I'm Dr. Belinda Wheeler. I am a senior program associate with the Vera Institute of Justice Unlocking Potential team, and I am on the subcommittee representing consumer advocacy organizations. I should mention, although I am a doctor, feel free to call me Belinda. That's totally fine. And I just wanted to also mention that Vera provides technical assistance to over 130 Second Chance Pell Experimental Site institutions, which is why we're really invested in this particular topic. And also, I just wanted to mention for the rest of the sub, excuse me, for the main committee, prior to joining Vera, I was also a professor and I was the founding director of a prison education program as well. So I'm bringing that experience to this discussion. So thank you very much for allowing me to speak today.

MS. MACK: Perfect. Welcome, Belinda. Belinda and Stan, I'm going to turn it over to the two of you momentarily. Committee members keep in mind after their presentation, we will have an opportunity for Q&A. So if you have questions, please jot them down and we will invite those at the appropriate time. I will also mention, excuse me, that Mr. Aaron Washington, on behalf of the Department, has participated in this

subcommittee. So if there is additional dialog that he'd like to add or questions for him to answer, he will be available to do so as well. Stan and Belinda, can I please turn it over to you?

DR. ANDRISSE: Sure, and it looks like we have a screen share ability, so-

DR. WHEELER: I think Aaron was going to share his screen, my friend. Yep.

DR. ANDRISSE: Thank you.

MS. MACK: It is coming up now. And Aaron, if you click on from, we get, perfect. Alright, Stan and Belinda, the floor is yours.

DR. ANDRISSE: So thank you. I just wanted to give an opportunity to reintroduce myself, so, you know, I mentioned to the committee last time of being a formerly incarcerated person who, you know, has gone through the hurdles and challenges of, you know, trying to continue education with criminal convictions on your record. So I, of course, come to this conversation with that experience. And having moved on to being a professor at Howard University as well as Johns Hopkins and the executive director of an organization called Prison to Professionals that works with we've about, we get about 400 applications per year from across the country and work with about 100 or so

people, men and women who have criminal convictions per year to help them obtain higher education so both currently and formerly incarcerated. So that also brings me very close to this topic and conversation. So I am on, of course, the main committee representing independent students, as you all may remember from last time we were here. And I'm also on the subcommittee representing formerly incarcerated students. So, you know, as I just mentioned from my organization, which I am one of the co-founders and executive director of, we work very closely with currently and formerly incarcerated men and women to help them pursue higher education. I wanted to, Belinda and I were going to take some time to just mention some of the other constituencies represented in our subcommittee. And so, you know, I wanted to acknowledge Terrell Blount, who is the executive director for a group called the Formerly Incarcerated College Graduates Network, which represents thousands of people who are formerly incarcerated college graduates from across the country and also a few internationally. And he was joining the subcommittee as representing groups that represent formerly incarcerated people. And I was also going to take the time to acknowledge Dr. McTier, who's also a main committee member but also a subcommittee member who was

representing as a person who runs a prison education program, which he runs a prison education program at Washington University in St. Louis. And I believe, Belinda, you were going to take some time to say a few words about our other subcommittee members.

DR. WHEELER: Sure. Thank you very much, Stanley. So yes, of the seven subcommittee members, including Stan and myself and Terrell and Terrence, we've got just a couple of other members that I just wanted to lift up to the subcommittee so that you understand their positionality in this conversation that we've had with the subcommittee members. So financial aid administrators, we have Kim Cary from the Ozarks Technical Community College. We also have the State Higher Education Executive Offices, Angie Paccione from the Colorado Department of Higher Education and then the seventh member of the subcommittee is Marisa Britton-Bostwick of Montana Correctional Enterprises. Just wanted to lift that up for the rest of the subcommittee. Thank you.

DR. ANDRISSE: And so I believe we can go into the next slide if that's okay, Aaron. Belinda, did you want to jump in?

MS. MACK: You're muted.

DR. WHEELER: No, we're good. No

worries, thank you. So, yes, this is just the brief overview of the law. There's a lot of statutory language in in the work that we're doing as you know, the FAFSA Simplification Act signed into law in December of 2020. So just to kind of put everyone with, provide everyone on the main committee with the context for everything here. And I don't usually like to read through slides, but because it is statutory, I think it's important that we lift up all those words. So please excuse me for reading this. But, you know, to be eligible for Pell Grants, prison education programs must be offered by an eligible public nonprofit or vocational institution. Must be approved to operate in a correctional facility. Must be determined by the State Department of Corrections or Federal Bureau of Prisons to be operating in the best interest of students, which is something that we're going to get back to with other slides. That's a big, big component of what we've been talking about on the subcommittee. Prison education programs must offer transferability of credits. They must be offered by an institution not subject to a loss of Title IV adverse accreditor action or revocation of State authorization in the past five years, must, if applicable, meet licensure certification requirements in the state where most students will reside after release.

If applicable, not offer programs designed to lead to licensure if the occupation typically, I highlight typically because that's going to come up later prohibits licensure, employment or formerly incarcerated individuals in that state. So that's the the overview of that main component of prison education programs moving forward. And then the last point statute also includes a variety of reporting requirements for institutions and the Department and a requirement for an IES evaluation. Aaron, if we could take it to the next slide and Stanley's going to take that over.

DR. ANDRISSE: So thank you, Belinda. Just as we only have five slides to show you and we really hope that you can, so we're going to have conversation after the slides, of course, but feel free if there is something that you really feel compelled to share or comment on, you know, feel free to do that while we're presenting, but we really hope to kind of go through the slides, lay it out and then open it up for discussion, is kind of the format that we were thinking, and it's only five slides. So of course, we're reporting out now. We just to give a quick schedule, as you know, refresh you to the schedule of the Prison Education Program Subcommittee. We met once in October. That's what we're reporting to you now about. We will meet next

week and we will meet three days again next week and then we will give a final report out to this committee here with the final full recommendations. So what we're bringing to you now is the conversation that we had because we have not met, you know, a full recommendation yet we have not come to a full recommendation. So just keep that in mind that this is just where we were we are at. So the next couple of slides, we're going to show you some things. We did do the temperature check format within the subcommittee. So we're going to show you some things that we were in for the most part agreeance and then we're going to take you to the next slide after that, which is going to show you some things that we're still in conversation about. So with that, I will pass it back or I believe I, Aaron, if you could move to the next slide, please. So things that we are in agreeance with, which we took some, you know, some temperature checks and there were no thumbs down, some thumbs sideways on some of these. But the definition of an additional location to include prison facilities. So if a main college campus or, you know, institution that offers postsecondary education to have the prison education program, they have to submit for or add this additional location as it's termed, and the subcommittee was okay on that definition of what is considered to be

an additional location, including the prison facility terminologies. We discussed and were in somewhat mostly agreeance on clarification of policies for allowing institutional waivers from statutory prohibition on enrolling more than twenty five percent of students as incarcerated. So, you know, that is referring to there needs to be a waiver if an institution is trying to, you know, their primary students are over 25 percent and the committee was mostly in agreeance with that. We spent a lot of time talking about the definition of a prison education program. So you'll see this both on the agreement slide and on the things still in discussion. So some of the components of a prison education program that we were in mostly agreeance of was technical changes to reflect statutory requirements, periodic reevaluations of the prison education program approval to operate, credit transfer requirements was something that was very much agreed upon that the credits need to be transferable to outside institutions once the person is released. Disapproval for institutions subject to initiative initiated adverse action. So pretty much all in agreeance that, you know, to keep institutions that already have adverse actions on their records from not being approved., Reporting requirements, this is both an agreeance, and we will also talk about some of the

specifics of the reporting requirements. But it is, it was agreed that there should be reporting requirements. But as I mentioned, we'll talk about some of the things that we were still in conversation about within those reporting requirements. Wind-down of eligible programs. We thought this was a big point. If a if a correctional institution or a prison education program were to become not eligible anymore, there's a wind-down where they would still be able to support the students who are currently in the program to finish their programing, and there was pretty much agreeance on that wind-down period. Treatment of credit balances for incarcerated students was something that was also in in general agreeance.

DR. WHEELER: If I could just add one thing there, my friend. With regards to the wind-down of eligible programs, we will talk a little bit about it on the next slide, but also just wanted to make sure that you all have the language that we're thinking of, particularly for our colleagues on the main committee who are with accreditation. With that, we're thinking of the teach-out plans, you know, making sure that there's documentation of how an institution if they decide either to not continue in a carceral space or for whatever reason, they're being asked to be removed from

that space, that there will be those checks and balances which are already in place with accreditation agencies. So we're talking more of that teach-out kind of thing. I think we have a question.

MS. YU: Yes, I have a question, I was wondering if you guys could speak a little bit more to the credit transfer requirement component and how that's determined since this came up in the closed school discharge conversation as well in terms of receiving institutions, some, you know, having the discretion to approve the transferability of credits or not. And so what is this if you can speak more to what this requirement would mean?

DR. WHEELER: Is it okay if I take that, Stan? Okay, yes, so thank you for that question. Yes, this goes back to the FAFSA Simplification Act that was signed into law that it's mandated that any institution educational institution that enters the carceral space to offer prison education programs that they are mandated to have an existing relationship or a new relationship, an established relationship with at least one other educational entity within that state. So again, if something happens, whatever happens that those students are protected both from, you know, if an institution moves out, particularly for a DOC situation,

if a student is moved to a different to a different space, you know, as a student is moved, then there's that transferability. So it's one of those things that we're talking a little bit more. We believe that, yes, that credit transfer, we agree with the statute that that must definitely be in place. But that's something that we're continuing to kind of talk through what that might look like, particularly with the Federal Bureau of Prisons, for example, if someone's in one state and then they get moved elsewhere. So it's there's still a little bit more meat on the bone, if I can use that reference. But does that make sense, ma'am?

MS. YU: Yes, thank you.

MS. MACK: I believe, per the chat, Aaron Washington from the Department has something to add as well. Aaron.

MR. WASHINGTON: Thank you. I just wanted to add just a little bit to the wind-down that we were discussing. So that specific provision that the subcommittee agreed to was about eligible programs currently operating at correctional facilities that are not state or federal. So the current statute says that a student is not eligible eligible to receive Pell if they are incarcerated at a federal or state correctional facility. And so we know that right now there may be

programs, eligible programs operating in local jails or juvenile justice facilities where students are receiving Pell Grants to enroll in any eligible program. And so what we've done in the regulation is we provided a framework for how those programs will wind down. And what we said was that they like if if a local program who chooses not, if an eligible program operating in a local jail or juvenile justice facility chooses not to convert to a prison education program, as we're proposing to define it here, they would have until, I don't have a language in front of me because I'm sharing my screen, but I believe if they will, they will. They can no longer enroll students in the program after July 1, 2023, and they would have and the student would be eligible to receive Pell until 2029 or until the student reaches their max timeframe, or if the student exhausted Pell eligibility through the lifetime eligibility use. Thank you very much.

MS. MACK: Thank you, Aaron. Belinda and Stan, it looks like we have another question. Do you prefer to take those as we go or would you like to hold them? I'm seeing a thumbs up. Joe, please go ahead.

MR. SANDERS: Hi, thanks for the presentation, this is really informative. I just, as a baseline, wanted to know if you guys, it's really a two

part question. One, can you give us some examples of institutions that are providing these programs currently? And then secondarily, follow-up from that, on the transfer of credits, I wanted to hear more about the single institution in the state that would take the transfer because, you know, I have some concern about, you know, what is that institution and so baseline, what institutions are providing programs in prisons? And then secondarily, have you guys talked about having more than a sort of a single access point for transfer?

DR. ANDRISSE: Belinda, did you want to take that?

DR. WHEELER: You can start, my friend, and I can follow up after you.

DR. ANDRISSE: I mean, I was just going to refer to your organization in terms of Vera has a list of all the colleges and universities that are offering what is called Second Chance Pell. So, you know, when Pell was removed from when incarcerated people were no longer able to access Pell back in 1994 after the Clinton Crime Bill, you know, most of the 25 years after that was philanthropy funding prison education. And then, you know, several years back, Second Chance Pell came around, which was an initiative under the Obama Administration that provided access to

Pell from a number of selected institutions. It was 60 at first, around 60 or so at first, and then it doubled. They offered it again a couple of years later after. So I think the first time was in 2015. Then again, in like 20, Belinda, you can correct that. But at the moment, Vera has a list. There's about 130 institutions that are offering Second Chance Pell for prison education programs. And that's not an exhaustive list because there are still institutions and entities that are offering it from philanthropic dollars.

DR. WHEELER: Yeah, thank you very much for that, Stan. And so, yes, Joe, we have a list of the 100 and, I think it's approximately 131 Second Chance Pell Experimental Site Initiative institutions that are a part of this Pell program, and I can I'd be happy to give the committee a list of all those, if that is something that the committee would like. And just as Stanley said, there's a number of other educational institutions. I believe Dr. McTier's, you know, in in St. Louis, that's an example of one that's not actually in Second Chance Pell, but it is in this carceral space and they're using other other programs, excuse me, other funding to do that programing so. So I hope that answers your question. Joe, let me double check just with that particular part, and then I'll get to the second part.

But did that help clarify Joe for that first part, sir?

MR. SANDERS: Yeah, that's that's really that's a great baseline to start with.

DR. WHEELER: Okay, great. Yep, yep. And let me know in the chat, if people do want that, I can definitely get that list to you. And then with regards to the the credit transfer, I believe that's also something that's going to come up on the next slide. I just kind of quoted the FAFSA Simplification Act how it says at least one transfer like one agreement, but that doesn't mean it has to just be one, I think in a, I think as we're thinking of prison education programs moving forward, I think that it would be great that if an educational institution goes into that carceral space, that they have multiple agreements, you know, with different educational institutions, with different modalities for students to choose and things of that, that nature. But the statute itself in the FAFSA Simplification Act mentions at least one. So but that's one of the great things with the subcommittee is that and you'll see on the next slide, while we do have statutory language, the Department has been very supportive of us kind of coming up with what those definitions of things might be. While the statute might say this, how is the subcommittee advising or suggesting

what those actual definitions of things are? And I think, Joe, that that's one of those perfect examples where it does say transferability of credits. The statute says that, the subcommittee has the opportunity to really kind of define that in a really nice way. And I think I'm so grateful that we're having this conversation with you all today because there's a lot of you who obviously aren't in the subcommittee that I think you all bring a lot of experience to the table, which I think will be good in the Q&A and like what we're doing right now to potentially bring that back to the subcommittee. And also, I just wanted to mention too, Aaron, thank you very much for that, with that wind-down, my friend. I appreciate that because, yes, the 2029, and that's something, you know, again, it's one of those ones that probably came in more that way with the general areas of agreement. But we do recognize that there does need to be those institutions that are a part of the first round, the second round, or the third round of the Second Chance Pell Experimental Site Initiative need some kind of off boarding process to then come, you know, then decide after they complete that program to then decide whether or not they want to apply for this extended Pell. So thank you very much for that, adding that to Aaron.

MS. MACK: Okay, first, I want to note that, Christina, I failed to mention this earlier, Christina is the alternate and she's in for two-year public institutions, so I have Daniel, then Christina and then David, and then I'm going to ask that we pause on questions so that we can allow Belinda and Stan to return to their presentation on the chance that those upcoming slides address some of the questions to come. I promise you there is a whole slide on Q&A. I got a sneak preview of that still coming. So, Daniel, take it away.

MR. BARKOWITZ: And this may be one of those issues that you discussed, but I'm curious about the additional location question. So if you'd like me to hold it, I'm happy to. I recall seeing the original regulatory language a an issue where an additional location would not just be the physical location, but also in addition by program, so that each program an institution adds would have to be added as an additional location subject to Department approval. And I'm curious if that issue came up. Again, if you'd prefer to answer that later, I'm happy to wait. Does not have to be addressed now, but just wanted to make sure I had a chance to ask that in the conversation.

DR. WHEELER: If we can hold it just for now, but I'm going to make that note. Daniel, thank

you very much.

MS. MACK: Okay, we'll get back to that. Christina, what was your comment?

MS. TANGALAKIS: I have a comment about the implicit inequity in the treatment of credit balances for students, and I can certainly save my comments because they're they're rather lengthy. Or I can proceed whichever you prefer.

MS. MACK: Belinda, Stan, does it make more sense for us to hear them now, or would you rather pause for the Q&A portion?

DR. ANDRISSE: Maybe hear them and we can see if we could answer them quickly or answer them more fully in the Q&A?

MS. TANGALAKIS: Okay. Well, I'm, would like to propose that you rethink the agreement on the treatment of credit balances, and I'll explain here the current proposed text without any edits would likely create a situation where an incarcerated student would be reported as having used 100 percent of their scheduled Pell in a payment period when 100 percent of their scheduled Pell was not accessible to the student. And here's an example using real life costs from the California Community College, a FAFSA applicant with a zero EFC for a full time schedule, Pell Grant is

eligible for \$6,495. That's \$6,495 in the current 21-22 academic year, or \$3,247 per term if the school is a semester school. Under the currently proposed rules would have an annual cost of attendance of \$2,394 and that would be for the tuition and books which is incarcerated students would be restricted to those two elements of the cost of attendance under current need analysis. The Pell Grant would be reduced per the Federal Pell Grant schedule, to \$2,350 annually, or \$1,175 per semester, and at a California community college, a student with a zero EFC would qualify for a fee waiver of registration fees, bringing our sample students cost to books and supplies at only \$1,126 annually, or \$563 per semester. And after the waiver is applied to her scheduled Pell Grant totaling three \$2,350 already reduced in the Pell calculation because of her lowest cost of attendance, would be further reduced to equal her remaining costs of \$1,126 or the cost of books and supplies. So, this example assumes that full time attendance for both semesters and as a result of accessing her full schedule Pell Grant for the academic year, her LEU usage would be calculated at 100 percent of her 600 percent lifetime Pell Grant eligibility. Her not incarcerated peer would have been able to access every dollar of his or her \$6,495

scheduled Pell Grant eligibility, while the incarcerated student would have access to only \$1,126 in Pell Grant for that aid year, with the same financial circumstances and the same enrollment level and with the same LEU usage reported. So in short-

MR. TOTONCHI: I just want you to know, your 30 seconds left.

MS. TANGALAKIS: Okay. In short, the incarcerated student in this example, access is less than 48 percent of her scheduled Pell Grant for full time students at the same cost of attendance as her incarcerated peer. And the disadvantage to the incarcerated student is expressed in the last red line on the most recently proposed document from the Department of Ed. And I do have some proposed remedy for this and the next time I have the opportunity to speak, I can share that.

DR. ANDRISSE: So thank you, Christina. And I think Aaron just shared that, and Belinda or Aaron, I guess, you know, jump in, but that it won't count towards, so if the Pell Grant is required to be reduced, the reduction would not be counted towards LEU.

MS. TANGALAKIS: And I don't I don't see that in the language, has it been added?

DR. ANDRISSE: That is something that we discussed and Aaron, maybe you can clarify whether that was added into the what was provided. Is it in one of the bubbles possibly?

MR. WASHINGTON: [Audio]

DR. ANDRISSE: We hear you, but you're breaking up.

MR. TANDBERG: We can't understand you, Aaron.

MR. WASHINGTON: Oh, I'm sorry. Can you hear me now?

MS. MACK: It is a bit better, yes, Aaron.

MR. WASHINGTON: Ok, I'll speak slowly, I'm sorry. So it's not in the amendatory language because we're not proposing to make any changes to the way that the Department calculates eligibility use. If the student is not awarded 100 percent of their Pell Grant for the award year, 100 percent would not be reported as used. So if the student's award is required to be reduced because the Pell Award exceeds cost of attendance, only the only amount that would be reported to COD as or reported to the institution by COD that was used was the fact the amount that was awarded to the student. And so you won't have a situation where a

student that's not incarcerated has a lower LEU than a student that is incarcerated that received their full scheduled award. I don't think that language needs to be added to for that, because that is just the way that we calculate LEU historically, however, I did hear you say that you do have some some proposals for language, and I think that it would be great if you could send those along and we can check those out. Were you all able to hear me?

MS. MACK: Yes, thank you, Aaron, very clear. Thank you. Alright. Thank you for that, Christina. If we could go to one more person, Stan and Belinda, and then I'll turn it right back over to you. David, I had mentioned your or noted your hand. Did you have a question at this time?

MR. TANDBERG: Oh, I'll hold it, you can continue.

MS. MACK: Ok, thanks, David. Alright, Belinda and Stan, let me turn it back over to the two of you.

DR. ANDRISSE: Belinda, if you wanted to move to the next slide, I think, or did, you can jump in.

DR. WHEELER: Yes, Aaron, could we please go to the last final? Yeah, like the next slide,

please. And Stan, I believe you were going to do the first three, my friend, and then I was going to, yeah.

DR. ANDRISSE: So I wanted to drop that we're open to, we didn't, you know, I just realized with one of the first questions in my response to it for time-wise we didn't go into the history of why this bill even came to be, you know, why we're even talking about this bill. I talked very briefly about it and why Second Chance Pell is around. But you know, if anyone is interested, we can certainly get into that. But you know, we didn't include that within the presentation in terms of the history of how we even got to this bill. But so this next slide, that was a sidebar. So now to jump into this next slide, this was what we are continuing to discuss. We didn't we did some temperature checks and we need some continued discussion on it. So one of those first things is that the definition of confined or incarcerated individual this is, you know, we can certainly get into what it is that we're still in discussion about. It really pertains a little bit to the type of institution a person is in and and how sometimes, for instance, a person who is in jail is actually may be sentenced or may not be sentenced. So their classification under the State is a little bit different. Although they they are in jail, their

classifications are different. Another nuance was the difference. Someone on home detention. So you might not think of that person being confined or incarcerated. But many times under Department of Corrections' definitions, that person is still under the supervision or still considered to be incarcerated by that Department of Corrections, even though they are at home on electronic monitoring. So there are some nuance there and also some nuance between halfway houses and things that are outside of a correctional facility, but by DOC standards still considered to be confined or incarcerated. So there was still some discussion on that. The next bullet point, the Department's approval of first eligible prison education program at the first two additional locations there was we can certainly talk a little bit more about what the nuances of that are. If if we if we choose to go in that direction and then the next bullet point of what we were have and continue discussion is particular language for reporting of additional locations. So that was I mean, we can, you know, Belinda, and then feel free Belinda if you wanted to add anything to those two bullet points. But I will kind of hold off on going into our nuance of them until we get through the rest of the bullet points here. So I'm going to pass it back to Belinda.

DR. WHEELER: Yep, no worries. Thank you so much, Stan. Yes, so thank you for sharing that, Stan. The third bullet point that Stan just mentioned that gets back to a little bit of Daniel sorry, previous question. And again, we can certainly talk more about that. But one of the things with additional locations and I know we've got accreditation people on the main committee as well, this idea of just the language that's already approved by the Department, and it's also language that is used by accreditation agencies in this space. One of the things that we were talking about was potentially modalities, which I think gets back a little bit to Daniel's kind of point there. As you know, does it have to literally be a bricks and mortar space or could it, you know, perhaps entail distance education or things of that nature? So, so that's one of the things that we're continuing, you know, and that's why we put it here under the continued areas of work, because that's something that we're still trying to kind of determine as we try to move through things and then make recommendations for the main committee. I'll just move on to the next bullet point and then this kind of gets back to that previous one as well. You know, there's certain things in the statute of the FAFSA Simplification Act, which have this definition of a

prison education program. And again, while the statute says, for example, you know, the transfer of credits as a subcommittee, we can come up with some definitions of what that potentially is to then take back to the main committee for your consideration and for your vote. So some of the areas that we're really kind of continuing to think through, but this isn't an exhaustive list here is, you know, opportunities to include key stakeholders with DOC and BOP reviews throughout, Bureau of Prisons and Department of Corrections. You know, this is a new space in like, Corrections has done education. I definitely understand that. This type of increased level of coming together between higher education institutions and corrections is a lot bigger than a lot of us have seen, you know, at least until prior to the 1994 Crime Act Bill. So so we understand that this coming together of these different groups, whether it be Corrections, educational institutions, accreditation agencies, we're coming together in a very unique way as we move forward from July of 2023 onwards. So so this idea of what kind of key stakeholders can come together again to better serve the students, which is what we're all trying to do here. Definition of programs operating in the best interests of students there is on the FAFSA Simplification Act and I think on your document, your

your position paper 12 that you received, it goes like, I think it's A through I of those what what determines a best interest of students and that includes things like that transfer of credit. So those are, you know, we didn't we didn't make this PowerPoint really exhaustive and, you know, relist everything there. But that's what we're referring to was those those specific things in the statute and then us going and providing insight into what those definitions might be. Particular language for institutions that have experience of adverse actions in the previous five years, you know, this is one thing that myself and others have been talking with constituent groups outside of the subcommittee's work. You know, what does an adverse action mean across the board for accreditation agencies? You know, is it that removal fully is that, you know, some kind of warning or sanction? So so those are things that we're continuing to kind of think through particular language for satisfying the licensure certification requirements. And I'll jump straight into the next one, the requirement of not offering education that requires licensure if the occupation getting back to that word "typically" prohibits licensure of employment of formerly incarcerated individuals. You know, the subcommittee is really advocating for empowering students to make

choices in meaningful ways, but also protecting those students. So these are some areas that we're trying to see whether or not we can make really positive change for students in this space while also fully protecting those students, but a way for them to potentially advocate for themselves in ways that they haven't had a chance to with prison education programs in the past, particularly language for accreditor review of prison education programs. You know, unfortunately, we don't have accreditation sitting at the table with the subcommittee, but I've been very, you know, made great strides to reach out to middle states and other accreditation agencies, you know, because they are really important here. So trying to get feedback from, you know, the great different accreditation agencies around the country, they've reached out to me, I've reached out to them and kind of having this, what kind of particular language that we could, you know, recommend potentially for accreditation agencies. And again, this is why it's so important for us to be having this conversation with you today. Application requirements for the Department for approval of a first prison education at the first two additional locations. You know, the Department seems very purposeful on how they're going to allow educational institutions to come

into this space for the first time or if they have been a part of Second Chance Pell or private like private philanthropic donations that have allowed educational institutions to be in this space. To then move into this post 2023 programming how we might provide recommendations, you know, to the Department to help you know everyone again, making sure that the students best interests are at the forefront of everything that we're doing there. And then student protections in the event of the Department's withdrawal of approval of a prison education program. If the Department does decide that Institution X educational institution X needs to be removed from this space, what kind of protections are going to be made available to students to make sure that they can continue their education you know, with an equally, you know, successful or even better program than perhaps what they had before? But making sure that those educational programs don't just, you know, are ripped from the students. We want to make sure that the students are protected there. And then two of the other main bullet points that we have here, particular language for the technical changes to the Pell definition is something that we're really thinking through as a as a group and then disclosure requirements to individuals who are incarcerated, trying to make sure

that the the students have all the documents, not only just the documents given to them, but people actually explaining like making sure that they understand, you know what, what options available options that they have things of that nature. So making sure that the students again are protected. So unless my colleague Stan has anything we could, we could move. Let's check in with Stan, but otherwise we can move to the last slide, which is just questions there. Thank you.

MS. MACK: Yes, go ahead.

DR. ANDRISSE: I did want to just add really quickly to just just more so to highlight the importance of the bullet point, mentioning the opportunities to include key stakeholders was a significant part part of our conversation over the subcommittee. And also just to highlight the idea of operating in the best interest was also a significant part of the conversation. And I thought this might be, you know, Belinda and I both discussed the idea that, you know, we we intentionally, of course, you have access to it, but we wanted to name the subcommittee members and we wanted to point out that a lot of the things that we're discussing within the language, if you look at the, you know, the language is requiring DOC to do, the Department of Corrections to do certain things,

a lot of things and you know, their language, they're included in the language often. But there was not a representative of Department of Corrections leadership on our subcommittee, nor in this larger committee. So we, you know, one of the things that we really wanted to propose was to to add that negotiator to the conversation. And so that, to add to that point of we really we really wanted to bring into the conversation and it was brought into the conversation that historically the, you know, using the language of acting, operating in the best interest of the students is something that you know the DO- is very questionable to. There's a lot of people that have different thoughts about whether the DOC, Department of Corrections, has, you know, should be given the sole responsibility of checking in on the operation of, you know, in the best interests of students. So just wanted to add that and I guess Belinda, if nothing else from that, we can open it to, I see there's several questions already.

MS. MACK: Okay. First, I want to thank Belinda, Stan, and Aaron for the presentation and dialog. We will, in fact, open it up to questions. Our line is growing here, David. You are first up, please.

MR. TANDBERG: A quick question for clarification. I noticed in the statutory language that

was shared within the PowerPoint near the beginning, it said eligible programs were, I believe, public, nonprofit or vocational. What is the definition of vocational within the context of that statutory language?

MS. MACK: Belinda, do you want to take that one?

MS. WHEELER: Quick question, do we have a legal person on this call who can answer that, not being a legal person? I see Aaron's got his hand up, so I just wanted to double check because I could certainly give my Belinda Wheeler layman's term. But I think for this purpose, we need to make sure that. Thank you.

MS. MACK: Yeah, please go ahead, Aaron, if you can answer that and feel free to come on camera if you'd like to to be part of this conversation.

MR. WASHINGTON: I'm sorry. Sure.

MS. MACK: Perfect. There you are.

MR. WASHINGTON: To answer David's question, the definition of a vocational program is defined at 34 CFR 600.6. I won't read the whole thing, but I'll read the beginning, a postsecondary vocational institution is a public or private nonprofit educational institution that is in a state, admits as regular

students only persons who have a high school diploma or equivalent, or are beyond the age of compulsory school attendance in the state in which the institution is physically located. So I don't want to read the whole thing, but that's that's where we define vocational.

MR. TANDBERG: So it's actually somewhat repetitive then, because public or nonprofit would include the vocational. I was wondering whether or not that included things beyond public or nonprofit, but it sounds like it does not.

DR. ANDRISSE: If I could jump in and I believe, you know, so a vocational school might be an institution that offers an electrician certificate, and it doesn't offer any type of associate's degree or bachelor's degree. It is just specifically focused on electrician certificates, and that would be eligible. That would be eligible vocational school. And so that's my that's my layman's version of Aaron's more legal version.

MS. MACK: Okay, thank you, David, Aaron, and Stan. Joe, if I can go to you.

MR. SANDERS: Yeah. Thanks.

MS. MACK: Joe. We're having a hard time hearing you.

MR. SANDERS: Sorry. Is that better?

Okay, sorry. Yeah. So this goes to David's question and to Belinda's and Stan's discussion of what "typically" means. So I just want to, "typically" in terms of licensure. So my office has done some work on this issue and I just want to highlight the difficulties with this term "typically leading to licensure". So in our litigation against Westwood College, we focused on their criminal justice program and one of the claims that we had against them was concerned misrepresentations around whether or not persons who have a felony conviction could get a job in the criminal justice field. There's a host of regulations around this, so particular departments have their own regulations. So, for example, Illinois State Police explicitly says you can't have a felony conviction and get a job here. Chicago, in their police department, it centers around the FOID card. You have to have a Firearm Owner's ID card in order to get a job with the Chicago Police Department and in order to get a Firearm Owner's ID card, you have to, you cannot have a felony conviction. To make the issue to complicate the issue further, Westwood did disclose on Page 183 of their catalog in fine print that having a felony conviction may affect your ability to get a job in the criminal justice arena. We're talking about a criminal justice program here that cost \$70,000. Right,

so I know we're, you know, this is the discussion of Pell, but to the extent that people are taking out loans or getting money from family or doing, you know, using other resources and even the loss of Pell eligibility would be, you know, not a good outcome to the extent that the person couldn't get a job, so. And this gets a little bit to David's question in the sense of are proprietary institutions going to be able to offer these programs? I don't think that all proprietary institutions, I'm not saying that that's like all bad because there are proprietary institutions that do what Stan was talking about, right? That just like focus on like electrician's work, right? I want to highlight, though, that this is a complex issue that that does warrant consideration by the further consideration by the subcommittee.

DR. WHEELER: If I could just jump in to respond to that. I definitely hear you, Joe, and I think that the subcommittee is very, very careful here. Like obviously and you'll see like obviously, we've we're writing some possible language right now. And of course, the subcommittee has to review it all and then determine whether or not, you know, we think that that's even something it might just stick straight with the statute right now, which basically is saying it's almost

like the typically is almost removed and it's saying, look, you have to restrict anyone for that, however, and I think it'll be good once you actually get to see if the subcommittee decides that this is something that we want to bring back to the main committee. I think you'll actually see that there's a lot of checks and balances with the potential, and it won't just be a student signing up for something. If a student does indeed sign up for something, there's there's different things that the educational institution is committing itself to reporting and making sure that they're being held accountable so. But you know, I definitely want to offer this up to my colleague Stanley as well because a number of our committee subcommittee members were very passionate about, you know, as we see in some states, some states are very progressive when it comes to relooking at their state licensure requirements and making it more open, you know, and looking at it periodically to decide, okay, well, this is something that we had back then. Is this something that we can we can possibly change? You know, there's multiple reports that I can share with you, too, that unfortunately, in some states, you know, the same 50-year restrictive law is still in, you know, so I'll use the example. I won't mention a state, but there's an example of, you know, a

person who perhaps has a felony conviction, who wants to be a barber, for example, and and go to a technical school to get a barber's license and practice as a barber. And that person may have a perhaps a DUI felony conviction. That particular conviction, you know, has nothing to do with like how they would possibly be as a barber, for example. Obviously, there's other examples where you might want to hit the pause button on whether or not someone would perhaps want to go into particular field. But there's a lot of states out there where this seems like a potential positive moment where we could potentially open things up. But again, trust me, the subcommittee is very careful on the checks and balances and against Stanley and other colleagues who are on the subcommittee with me were able to provide other examples and and firsthand testimonies, you know, of how some of these how while there is a risk potentially, that we be very careful with putting checks and balances in so that we can potentially open it up, you know, for these individuals with support of their educational partners and others to try to have some states potentially rethink some of these restrictive kind of checks and balances in place. But let me stop there because I want to make sure that Stanley has an opportunity to speak here.

DR. ANDRISSE: Yeah, just to not to add too much, but we we had a conversation about this and the "typically" part is, you know, I just want this part of this statute, so I don't think that could be removed. And so it really offers some flexibility. And one of the things that we mentioned was to Aaron mentioned on a number of occasions, the Department of Education will offer Dear Colleague Statements to advise on how to interpret and suggestions to interpret the language. And so it was, you know, you know, we were considering to come up with suggestive language around a Dear Colleague that could help inform that. But just to, you know, again, myself being a formerly incarcerated person who's now a college professor at a medical school, there are a number of things that I do that, you know, have policy regulatory language that says that I shouldn't be able to do it and I've broken that ceiling. And you know, there are there are a number of people within our network who are formerly incarcerated lawyers who were denied bar access. And then, you know, the community came around and help them fight to get access and they broke that ceiling. So what we were proposing is that there are so many of these stories that, you know, we proposed that the institution give clear information as to the barriers that are currently in

place for that person. And if that person still wants to pursue knowing those barriers, because maybe they want to break that ceiling and be that person, they can knowingly make that decision as an informed, informed of the different barriers.

MS. MACK: Thank you, Stan, thank you, Belinda. If I can, I'll move next to Bethany, your question.

MS. LILLY: Hey, everybody. So given the overlapping rates of disability and incarceration, I felt like it was (inaudible) on me to say something about that, and it's thank you so much for this presentation. I felt like it was incredibly comprehensive and this is not something I know a lot about, so I found it very, very helpful. But I was a little bit surprised not to hear anything about accommodations, and I just want to flag that given the disproportionate rates of disability, I would be really. I think it would be very necessary to see as part of the accreditation process or part of whatever process we're creating for these programs, making sure that the disability status of students, the overlapping other minority statuses of students are taken into account there, especially for multiple marginalized people. I think the risk of getting not admitted to these programs

or the risk of not being included in the reform efforts is very high and I I want to name that and I want to make sure that I'm sure the committee is talking about it, but I just felt like it was worth bringing up again.

DR. WHEELER: Yeah, thank you very much for mentioning that, Bethany. Yes. And thank you to you and your team, you know, having met with you as well to kind of learn more myself. Yes, this is definitely something that the subcommittee is talking about. It is definitely coming into play more with that A through I kind of sub-list that again, we didn't put on that PowerPoint there. But I think when it comes to, you know, the access for students and those accommodations, those are things that we're looking to put in those further definitions there, which I think you'll actually see some of that language coming into play when we eventually do get those recommended documents to you. But yes, do know that it is definitely something that we are talking about and even in some of the other language. And I think this is another opportunity post the subcommittee and this main committee, there's there's a lot of other language in the FAFSA Simplification Act, where corrections and others like educational partners and everything everyone's having to determine and accreditation agencies are then being

asked to make sure that these educational entities are doing what they're supposed to do where accreditation is already keep making sure that those checks and balances are definitely in place, like what a typical bricks and mortar traditional campus looks like, and then making sure that those same accommodations that are at that traditional campus again, you know, within the confines of, you know, this other this other space, but not only you know that physical space, but I think more importantly, you know, the admissions process, the services that are available to the students, their student support services and things of that of that nature. So with other things that are in the language, both at what we're looking at as the subcommittee, but I think also as the Department looks forward to 2023 and there's probably going to be other committees on other parts of this, I hope that there will be those other opportunities to help, you know, because a lot of us have to, you know, corrections is obviously doing its thing, but this subcommittee and main committee is there to help corrections in this prison education space. And you know, I think there'll be, you know, language and documents, you know, that could be recommended, you know, to everyone in that space, accreditation, education, corrections to again make sure that that

accessibility is first and foremost because you're 100 percent correct about the population demographics that we do see in carceral spaces. So yes, thank you very much, Bethany.

MS. MACK: Thank you, Bethany, and thank you, Belinda, and thanks for those showing their support in the chat. Alright. I see a number of hands up, so I'm going to try to get to the next five folks and then we may need to hit the pause button on this to continue on with our agenda. But I have Persis up next, please, Persis.

MS. YU: Thank you. I wanted to ask a question about the eligibility of students and particularly when it comes to students who come in, in incarcerated spaces with student loan debt existing and then default on the student loan debt. Currently, students are not eligible for Pell Grants if they do have a default on their student loans. And so I'm curious about what services are available to borrowers who have existing debt to ensure that they're able to take advantage of these programs. Also, you know, there is a subregulatory policy to to waive the debt of folks who are incarcerated for 10 or more years. But as I understand from a lot of our legal aid partners that that policy has been applied very inconsistently. And so

I'm wondering if we can get more information about these programs and policies, both regulatory and subregulatory that are available to incarcerated or potentially incarcerated or potential students who are incarcerated, so that we make sure that student loan debt is not a barrier to people taking advantage of these programs.

DR. ANDRISSE: And if I could jump in first to respond and thank you for that question. It was a topic of discussion in the subcommittee and we the regulatory language of, you know, the expansion of Pell to incarcerated students or incarcerated people, it didn't particularly have language around addressing that. And Aaron and Belinda, please jump in. But the conversation that we did have about it, we had David, who was the director of Student Aid, on the call. I don't know if he's on this call, but he is the director over, you know, the Student Aid department at the Department of Education, and he expressed how they he he went through a number through a number of initiatives that they do have in place to address this and that they're are already doing this as Second Chance Pell is something that's currently going on. And, you know, he mentioned that they are willing to look into partnerships with different organizations to help expand on those efforts. But Aaron or Belinda, you know,

please, please add, you know, from that conversation.

MS. MACK: Thanks, Stan. Aaron, I saw your hand go up. Did you want to speak to that, please?

MR. WASHINGTON: Yeah. Stan, Stan and Stan is right. He did discuss the issue of students that had defaulted on loans, and FSA is currently working towards a resolution to that question. So we can take that back and provide you more information at a later time. Thank you.

DR. WHEELER: And if I could just jump in too, I just wanted you to know that with our positionality with Vera, we went on the record when they did the open comments in June and July about the default situation with students and talked about the challenges that students face in this space and also put some recommendations together. So yes, it's our understanding exactly what Aaron said. Thank you.

MS. MACK: Thank you all. Alright, Michaela has rejoined the table as primary for independent students. Michaela, can I have your question?

MS. MARTIN: Yeah. I just wanted to acknowledge that I came in because Stanley is holding space on the subcommittee, so that's not in any way trying to bump him from that spot. My question is around

the Department of Corrections having such a big role in this when like, you know, historically they haven't acted within the best interests of students and students gaining access to these kinds of programs, but also from my understanding, the subcommittee is operating without a representative from the Department of Corrections. So we're looking at making regulatory changes to another agency without their input for representation, which I have a lot of concerns around. Particularly, you know, stakeholders, you know, that could help make sure that the DOC throughout this process is able to efficiently effectuate these changes and then kind of building off of that from a procedural standpoint, how the subcommittee felt these sessions went and if there's any improvements that could be made to help get language to the full committee. So is there any way that this committee can assist in getting them somebody from this agency that we're asking to do these things, either in that advisory standpoint or like we have some advisors for other topics? So I guess my question is how that process went for the subcommittee and what we can do to help make sure that it's as efficient as possible?

DR. WHEELER: Thank you. Oh, sorry, go ahead, Stan.

DR. ANDRISSE: No, you can go first.

DR. WHEELER: Ok, thank you, my friend. Thank you very much for that question, Michaela. I think your words reiterate Stan's point earlier when we were just doing the general introductions. I think for the subcommittee, particularly as you mentioned, you know, the FAFSA Simplification Act has laid out the language that, you know, there is a lot of responsibility on the hands of corrections in this space and the fact that we don't have a, you know, DOC leader like a warden or director, you know, CEA, for example, Corrections Educational Association or someone else, ACA, American Corrections Association, like at this table, I think it would be really good to get that kind of input there. I do think one and I'll say one other thing, and then I want to put it over to Stan. I think that this is an opportunity potentially to get another seat in the room there, if that is possible through process also. But I will say that I have been talking with others in that space, and I know Stanley and others have been talking with Corrections to try to get that input into the conversation, but certainly having a body there, and that would be very important. I will also say that one of the I definitely hear your concerns, and I think one of the other ways that we are well positioned to provide some input here is again, that whole idea of

like while the statute may say this, you know, and that is, you know, is statutory, the Department is giving us the latitude to further define some of those particular things. So, you know, that is kind of helping with some positionality there. So I'll just kind of pause there and I want to take it over to my friend, Stan. Thanks.

DR. ANDRISSE: Thank you, Belinda, and thank you, Michaela, for great points and question. I would, you know, to the point of the DOC representative, I would propose to this committee to to add a negotiator and that person and agency that Belinda just mentioned there's an agency called the Correctional Leaders Association, which is the agency, it's an association of all the top DOC officials in all the states, and Ann Precythe, Director Ann Precythe at the Missouri Department of Corrections, she is the head of Missouri prisons, and she's also the president of this Correctional Leaders Association. I would propose to to add her as a negotiator. To the stakeholders point of what Michaela was mentioning and the historical nature of the view of prisons towards incarcerated individuals. You know, one of the things that again, we didn't really get too much of the history. But you know, in 1994, the Clinton Crime Bill was one of many bills and policies that have been passed for a couple of decades that

caused incarceration to rise 800 fold over 30, 40 years. And it, the '94 crime Clinton Crime Bill, took Pell Grants out and really essentially turned prisons into a place of punishment. So, you know, incarceration had been on the rise, and then you took out the ability of people inside to better themselves through education and getting vocational training even, so prisons really moved to being very much a place of just warehousing bodies and not offering opportunities for people to better themselves. So then now we move to here where we've reinstated Pell and we're giving so much into the hands of DOC, whereas a person who's entered DOC, for instance, in the past 20 years, which is very likely many of the leaders entered into DOC in this phase of DOC really just focusing on punishment. So now how do we expect this person who for their 20 plus year career, has really focused on warehousing and punishment to now revert their way of thinking to best interests of the people who are incarcerated? So for that reason, we really thought it was important to have a stakeholder advisory committee to the DOC that is made up of, we proposed a number of different stakeholders to be part of that. And, you know, to add to one of the particular stakeholders that we talked about is there's a piece within the legis- within the language that asks for

reentry, that that ask for program programs to be thinking about how are you going to help the individual when they come out? Well, again, historically, DOC has not been as concerned with that and and education institutions have no idea about that. They've never they've never really they never had to nor are they designed to be thinking about what a person in prison needs once they leave prison. So why would we leave it in the hands of two institutions that historically have either not done well or not even been had the requirement to? So we propose bringing in stakeholders that do know how to do that to help advise in that process, and I'll stop there.

MS. MACK: Thank you, Stan and Belinda. A couple of things first, Stan, if you could place the name and title of the individual that you noted in the chat, that might be helpful to everyone. And then I noticed Department, you have raised your hand, Aaron. Can I turn it over to you?

MR. WASHINGTON: Thank you. I did want to note that we do have a representative or a subcommittee member from the Department of Corrections. Her name is Marisa Britton-Bostwick and she worked for the Montana Correctional Enterprises and I think the idea was that, choosing the constituencies, we, the

Department hopes that the representative will be able to go back to their constituency, get feedback and serve as kind of like serve as like the mouthpiece or serve as the voice of the constituency. And so that was the goal in choosing the constituencies for the subcommittees. So we we hear, you know, we hear what the concerns are, and we were hoping that the people that were represented that were chosen to represent different constituencies, for example, the Department of Corrections would be able to go back and get more information and bring it back to the subcommittee, and they would be the conduit through which we amended the regulatory proposals.

MS. MACK: Ok. Thank you for that, Aaron. Any followup on on that, Stan or Belinda?

DR. ANDRISSE: Yes. Yes. If I could just quickly follow up to Aaron, and so Marisa, our colleague on the subcommittee, is fantastic. And you know, she I think her perspectives need to be on the committee, but she is the, you know, her title and what she does is she works for the Correctional Enterprises, which makes things like a lot of people incarcerated are tasked with for very low wages, which is a completely different topic on making like license plates, for instance, and making soap and doing the laundry for local hospitals. So, you know, valuable, but and they do

sometimes offer certifications, but she's not even a representative of a higher education program, one, and she is not a representative of leadership, which a lot of the things we're proposing within the language are things that need okays from leaders such as wardens of the prison of the particular prison or directors of the entire state. So we were missing that representation, and Marisa just doesn't fit that. I mean, her constituency and, you know, is not does not fit that particular qualification.

MS. MACK: Stan, if I can ask for your clarification, are you making a motion that this individual that you've placed in the chat be added to the committee or to the subcommittee?

DR. ANDRISSE: So I would ask that I would first propose that she should be added to the subcommittee and then, you know, subsequently, you know, also as a as a second thing added to the full committee too. So I think we can vote on two separate things.

MS. MACK: Ok, so for the committee, I would say that that would be subjected to a consensus check here. If it's to the subcommittee, I would suggest that the subcommittee address that during their session. But Aaron and Jen, I see that your hands have come up on the part of the Department. So if you want to speak to

that before I move to a consensus, happy to hear your thoughts. Aaron, and then to you Jen,

MR. WASHINGTON: I'll let Jennifer go first. She's had her hand up.

MS. HONG: I just I just had the same point of clarification that you just made, Kayla. Thank you.

MR. WASHINGTON: Alright. So I just I just wanted to reiterate that we really hoped it was a hope of in selecting the constituencies that each member of the subcommittee would be able to reach out into their appropriate the appropriate field and even if and even if you're not reaching out to the the constituency that you represented, there's other people that you wanted to reach out to so anybody can reach out to representatives from the Department of Corrections or the Bureau of Prisons. And I know Belinda had mentioned earlier that Belinda was reaching out to accreditors. Belinda represents consumer advocacy agency Sorry to put you on the spot, Belinda. So we wanted we were hoping that the subcommittee members with their expertise could reach out to individuals or relevant stakeholders in the community. Any anybody that has something that they can bring back to the subcommittee and you can give them credit for the proposal. You can say this person, this

specific person, this is not this is not my idea. This is this specific person's idea. They recommend that we add this language to the proposal and and that can be. And we also we also informed the subcommittee that we can bring in not advisors, but people to speak to the subcommittee that have relevant knowledge or experience when the subcommittee just wanted to be more informed on a certain topic. I think that it is that, you know, we are the second full committee session. So to bring somebody another individual onto the main committee with a number of issues that we still have to tackle. I think there's there's nine in total. I think, you know, I think we were just hoping that people can that that the subcommittee could go back into the community and and really bring those ideas and serve as the conduit.

MS. MACK: Okay, thank you, Aaron. I see that a number of hands have gone up. However, I would like to take a consensus check at this time by the committee on adding these specific individual that's been placed in the chat to the main committee. That was the motion from Stan.

DR. ANDRISSE: And I might add that I've already spoken to her as well.

MS. MACK: Ok and Stan, just so that I get it correctly, can you pronounce her name for me one

more time?

DR. ANDRISSE: Ann Precythe.

MS. MACK: Precythe. Thank you.

Alright, committee members, one last question, Stan or Michaela, who is taking the lead in terms of this consensus check?

MS. MARTIN: Stan.

MS. MACK: Stan, okay. Michela, can I ask you to go off camera just momentarily so we narrow down the screens that we're looking for thumbs? So group, I'm going to ask for your consensus on adding Ms. Precythe to the main committee for the duration of this round of negotiated rulemaking. Please let me see your thumbs. And hold them up as we do a check. Still waiting on all thumbs. Alright. I do not see any downward thumbs, which I believe means that we are in consensus on adding Ms. Precythe to the committee. Stan, is she available to join us?

MR. TANDBERG: Just just a point of clarification, you said that was a temperature check, not a consensus check.

MS. MACK: I think I said a consensus check. If I misspoke, David, then we need to take an actual consensus.

MR. TANDBERG: Maybe, maybe others

could jump in and let me know if I misheard.

MS. MACK: Again, it was my intent to say consensus check. Did anyone else believe I said temperature check? I'm seeing some no and some, yes, so let me let me just ask them for a absolute official consensus check on adding Ms. Precythe to this committee. My apologies for any confusion. This is an official consensus check. Please let me see your thumbs. Again, I believe that it has passed consensus, everyone is side or up. Okay. Then we need to go about adding Ms. Precythe To the committee and getting her access instructions. But I want to keep us moving in the meantime. So if you have any final questions at this point for the committee, please keep your hand raised. If you do not, please lower your hands so that we can continue on with our agenda.

MS. MARTIN: Alright. Point of clarification. You also said that we would take an official consensus to make sure that she's on the subcommittee.

MS. MACK: If she is being added to the committee, this group would decide that. This group is not going to decide additional folks to the subcommittee, I will let the subcommittee address that themselves.

DR. ANDRISSE: We did need clarification. We were wondering if the same protocol rules apply to the subcommittee is one point of clarification that the subcommittee brought up on this topic.

MS. MACK: So the protocols that we have provided out to you, Stan, govern the main committee, it's my understanding that there would be separate protocols for the subcommittee and I cannot speak to those as the FMCS team is not facilitating that. So technically the process, I can double check and we can return to that, though.

MR. TONCHI: Kayla, if I could speak, there are in the protocols there are, there is language regarding subcommittee. The FMCS team will get back to you, Stan, on this topic.

DR. ANDRISSE: Because the subcommittee was we didn't take an official check, but for the most part, we're in agreeance with that, but we just weren't sure of the protocol for it. So that's why we wanted to bring it to the full committee. So yes, if you can double check on that, that would be great.

MS. MACK: Will do. Will do, thank you. Okay, there are a few remaining hands with lingering questions, Daniel, please.

MR. BARKOWITZ: Thank you. So again, to the subcommittee, excellent job in addressing the issues. I do have a couple of further questions around location and these questions I will freely admit, are born of ignorance. Not no, I just don't know. And so these are questions to ask that I hope we can answer. So the the first thing, I'll ask them all and I'll let you respond. The first is, is there any limitation plan on on location or services delivered purely by electronic means? I'm imagining and I could be wrong that there are limitations to currently incarcerated individuals in terms of access rights to sites via Wi-Fi. I know one peer institution of mine is in the Second Chance Pell Program, as an example. Those students had a very difficult time even accessing the FAFSA site, so I wonder if a conversation has been had around limitations to electronic access. That's question number one. Question number two and there are three questions. Question number two is two institutions offering programs at the same location. So I know that the Department has had some maybe informal, if not formal limitations around multiple institutions operating from the same location. And again, where we're envisioning the potential of multiple institutions offering PEP programs in one location, there could be issues there

using the same address. The third issue I would ask is, and again, this comes from my alternate's great question. What about Clery reporting? So since this is now an additional location, does it encompass is it part of campus statistics, campus crime statistics that is reported as part of an institution's annual safety report? And does that include the entirety of the incarcerated- incarceration facility as opposed to a particular location where the class is being housed? So those are my those are my three questions.

MS. MACK: Do you want to speak to those questions, Stan, Belinda?

DR. WHEELER: I can jump in on some of them, yes, and Stan, please feel free to jump in too, my friend. So thank you for those questions, Daniel. I think let's see here the accessibility with student services. That is definitely something that we've been talking about in the subcommittee. And that's regardless of whether an institution is offering like the modality is either face to face, a hybrid, or electronic. We're seeing and this is with Vera experience with providing technical assistance to the 130 plus institutions that are currently participating in the Second Chance Pell Experimental Site. We have seen some challenges even without COVID being added into the mix. We've seen some

challenges with accessibility for students, so this is something that we're talking about as a subcommittee. Overall, your point about the particularly for the online, I think that that also the protections that we're thinking about are in general. But then we get to that idea of that waiver because a lot of the online 100 percent online student programs that we've seen offered throughout the country, they are usually asking for that waiver of over 25 percent of their student populations. So there's a lot of different points within the language that the subcommittee is looking at right now, which does touch upon that waiver, which again comes into play, I would say in a larger capacity with those fully online, so I just wanted you to know, Daniel, that we are definitely looking at that for both, you know, traditional face to face, the hybrid, and the 100 percent online because the the student access has been mixed. You know, some some educational institutions seem to be doing a great job even within the age of COVID with getting, you know, information to students and, you know, and things of that nature. But it is definitely something. And it's also in addition, I just want to highlight the accreditation side, and I know Heather has her hand up too, you know, that's a part of that extra layer of protection for students too. So that's

something that, you know, myself and other members on the subcommittee, I think, have been reaching out to constituents such as accreditation agencies on what might that actually look like, you know, for students and protecting them. So let me do just a a temperature check really quick, Daniel. Does that help answer that? Yep? Okay, and Stan, did you want to add anything about that before I move on to Daniel's next question, my friend? I just want to double check. We're good? I just want to make sure I'm making sure I'm not cutting you off.

DR. ANDRISSE: You can go ahead.

Continue on. Nope.

DR. WHEELER: Okay, great. Thank you. And with the same address, I think that's always something that we're thinking about, you know, again, making sure that students best interests are at in mind. I think as someone who used to direct a program and is now, you know, doing the work with Vera and others, I think one of the things that we all want to see, you know, and on the subcommittee is that access to students when it comes to actually range of programs, availability of programs. And I think that's one of the really nice things that we're hoping to see with the 2023 onwards of prison education programs is, you know,

educational institutions, you know, if there might be multiple within a correctional space, which again, would be great because a lot of a lot of parts of the country right now are educational deserts, where there's zero programming available to students. So if we do indeed see multiple educational institutions with the same address that you know, they are working, obviously they're working as their own separate entities, but they are working in collaboration with each other as well, but both educational institutions working together in collaboration. You know, we've talked about 2+2 degrees and things of that nature, but also working, obviously in collaboration with corrections and also the stakeholders outside, you know, community based partners and things of that nature. So I think from the positionality that we have right now, we're not necessarily seeing same address as an as a problem per say, if we're making sure that everyone is coming together again and that gets back to the Department's language in the best interests of students. And then finally, I saw you shake your head like, yes, or nod your head, I should say, so I'll continue on with the data points. I definitely want the Department to chime in on this because but I did want you to know from the subcommittee point, we have been talking about data, who

will collect data. There's a lot of places where the Department has said that they believe that they're the best entity to potentially collect that data, but I certainly don't want to speak to the Department on that. But I just did want you to know that the subcommittee has been talking about data points and things of that nature. So I'll stop there because I definitely don't want to speak for the Department.

MS. MACK: Yeah, Aaron, I saw your hand go up, please.

MR. WASHINGTON: I just want to circle back to a question about Clery requirements, I believe that Daniel asked about Clery requirements and would institutions be subject to, would prisons have to comply with clear requirements, and we have discussed that internally and reporting, we believe that reporting would not be required because locations are not controlled by the postsecondary institution.

MR. BARKOWITZ: Thank you, Aaron, and that was the question around, and it's not so much around a crime occurrence, it's more about control. So, you know, the issue with with campus locations is typically the institution includes them if they're under the institution's control. And that's really the the point of concern here is what kind of carve out

exceptions would there be given that the institution doesn't control the location?

MR. WASHINGTON: Yeah, reporting would not be required because locations are not controlled by the institution. Does that answer your question, or do you want me to get you take it back and get more clarification?

MR. BARKOWITZ: Yeah, I mean, it does. It does. It does raise the logical question around if it's not in our control, how it how does it qualify as an additional location? But I'll leave that for another conversation. There's just a, you know, it raises concerns around the management of that location. But I get it. I get it.

MS. MACK: Thank you, Daniel, thank you, Aaron and Belinda, on that. Heather, please.

DR. PERFETTI: Thank you and thank you, Stan and Belinda and the work of the subcommittee for the exceptional work you brought forward for the main committee. I do also want to thank Belinda. You've heard her repeatedly say along with others, that she has outreach to accrediting agencies, and she certainly has. We have had the opportunity to have many conversations about the discussions of the subcommittee or some of the direction being taken. Obviously, the work of

accrediting agencies as an important partner is something that we want to reiterate and stress. And I did just want to highlight that in terms of additional locations, accrediting agencies already are involved in that approval process. So a number of the issues and concerns that have been identified are part of the application and approval process for an institution, whether that program is at a prison or somewhere else, and that application process, at least for our commission and several others, is a peer-reviewed or staff-reviewed process where information about the student population and the student services, as well as how the institution will measure educational effectiveness at the facility, is provided prior to inclusion in the institution's statement of accreditation status. So it's a substantial review for institutions to undergo to add any additional location. And certainly some of the conversations with Belinda have been about the lens that an accreditor may need to look at a prison education program procedurally, that may be different than other kinds of programs, so we appreciate the conversations so far and look forward to contributing more to the work of the subcommittee.

MS. MACK: Thank you, Heather.

Alright. David, I saw your hand, I didn't lose track of

it, I know you've went up and down. Did you have any final question or comment for-?

MR. TANDBERG: I don't know. I I guess I was a little concerned about the last consensus check, but I felt like it was rushed. I don't mind rushing to a temperature check vote, but I think a call for questions before a consensus check where it's a final vote would have been appreciated. I had questions that I before we had a person and asked them to commit weeks of their time to negotiated rulemaking when most of the topics are probably outside of their interest and expertise. It's okay, that's why I was sideways, but I think a pause before a consensus check is important. A call for questions on the vote is important. Before we take an actual vote, it, temperature check rush all you want. Consensus check? That's that's policy making. That's a big deal, and I think a pause would have been appreciated.

MS. MACK: Well in the future, here's what I want to encourage you. On the one hand, we do want to pause and make sure that you all have an appropriate amount of time so you can make informed decisions, on the other hand we don't want to belabor those things, so we don't continue to talk about process as well. If we, myself or my colleagues included, ever

call for a consensus check and you need a moment, please indicate so. You can all also at the same time, give us a thumbs down and say that you have lingering questions or concerns so that we can address those at those times. You're all empowered, though, again to ask for the pause or a thumbs down. It's never our intent to make any of you feel rushed in the process. So thanks for speaking to that, David. And in the future, again, please don't hesitate to to raise your hand for the pause or put a thumbs down to indicate that you need additional time or have questions. Aaron, I saw your hand go up.

MR. WASHINGTON: Yes, I just wanted to respond to Heather's statements, I don't know if it was a question or did you want the Department, I responded to other things so I didn't want to not respond to what you stated. I wanted to let you know that we do have a on the subcommittee, we do have a technical advisor, Elizabeth Daggett. She is on the accreditation team for the Department of Education, so she is there. She was there two days, in fact, providing us with her expertise and background as education accreditation program reviewer. Also, I, you stated that your your accrediting agency does do these really robust reviews of additional locations. But I think the conversation, at least from the Department's perspective, centered around

regulations under 602.22C where there may be certain circumstances or instances when there are already additional locations approved, where in accreditation may not have to, an institution may not have to actually go to that full review anymore. They would just have to report that they're adding another additional location. And so if if there's if there are things that that you can propose that we would add to reg or places for clarification, that would be really helpful because I think 602.22C was what we were really trying to make sure that if the institution, if the institution only had to report an additional location as opposed to go through a full review of the substantive changes, then they we would make sure that at least the first prison education program in the first two additional locations was reviewed by the accrediting agency.

MS. MACK: Okay, thank you.

MR. WASHINGTON: Thank you.

MS. MACK: Alright, we are right at our lunch hour. We're going to take our one-hour lunch break. We will resume on some of the things that we promised we would get back to you on. We will try to do that right at lunch, right after the lunch hour, and then we will pick up with our next issue, which is issue one TPD discharge. Alright, so we're going to resume

again right at the top of the hour and we will see you
all then. We can go offline now.

Appendix

**Department of Education
Office of Postsecondary Education
Zoom Chat Transcript
Affordability and Student Loans Committee
Session 2, Day 1, Morning, November 1, 2021**

DISCLAIMER:

Note: The following is the output of transcribing from a recording. Although the transcription is largely accurate; in some cases, it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

From Belinda Wheeler (Vera - Consumer Advocay Groups - Subcommittee) to Everyone:

Should I be on camera (Subcommittee member - reporting out)

From Jessica (P), Proprietary Schools to Everyone:

My alternate, Carol, will negotiate the first two topics this morning.

From Misty (P) Priv. Non-Profit to Everyone:

Dr. Mc Tier will be acting as primary for today's first Issue on prison education.

From Brady - FMCS to Everyone:

broberts@fmcs.gov

From Brady - FMCS to Everyone:

<https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html>

From Dixie (P) Dependent Students (Ella/She) to Everyone:

Greg will be on for Dependent Students for the first topic.

From Bobby (P) Two-Year Public Colleges to Everyone:

Christina will sub in for two-year colleges

From Aaron, Department of Education to Everyone:

Would you all mind if I added something about the winddown after Belinda finishes?

From Aaron, Department of Education to Everyone:

I'm not sure if I can raise my hand

From Daniel (P), Fin Aid Admin (he/him) to Everyone:

I have a question on eligible locations....

From Christina, she/her (A), 2-year Public to Everyone:

I have a comment on credit balance refunds

From Jeri (P) Student Borrower (she/her) to Everyone:

Thank you, the list would be great.

From Aaron, Department of Education to Everyone:

Belinda I believe we discussed this in the first round. You can say "If the Pell Grant is required to be reduced the reduction would not be counted towards LEU"

From Dr. McTier (A) Priv. Non-Profit to Everyone:

I thought we discussed this issue.

From Dr. McTier (A) Priv. Non-Profit to Everyone:

I would like a break down because this is a lot of information to absorb from Christina .

From Daniel (P), Fin Aid Admin (he/him) to Everyone:

I did ask this during the first week. I thought it was addressed then.

From Jeri (P) Student Borrower (she/her) to Everyone:

BOCES.org - Boards of Cooperative Educational Service
- vocational education in New York.

From Joe; P, State AGs to Everyone:

I am interested in changes in state law that can help support PEPs. If Belinda, Stan or others can put any resources in the chat, I would appreciate it.

From Belinda - Subcommittee - Consumer Advocay Groups (Vera) to Everyone:

Yes, we will definitely forward those documents to the main committee.

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 Bethany

From Michaela [P] Ind. Student to Everyone:

+1

From Dixie (P) Dependent Students (Ella/She) to Everyone:

+1

From Jeri (P) Student Borrower (she/her) to Everyone:

+1

From Bethany (P) Disability (she/her) to Everyone:

+1 to Michaela

From Marjorie (P), Four Yr Publics (she/her) to Everyone:

+1 Michaela

From Justin Hauschild (P) Veterans and Service Members to Everyone:

+1 Michaela

From Jeri (P) Student Borrower (she/her) to Everyone:

+1

From Dr. McTier (A) Priv. Non-Profit to Everyone:

Michaela we definitely felt constrained!

From Michaela [P] Ind. Student to Everyone:

Can someone from ed speak on if they/we can bring on someone to be in that space?

From Stan (A) Ind. Students to Everyone:

Anne L. Precythe Missouri Dept. of Corections
<https://doc.mo.gov/director/anne-precythe>

From Dr. McTier (A) Priv. Non-Profit to Everyone:

The current member is not a collective representative for prisons on the sub-committee.

From Stan (A) Ind. Students to Everyone:

Correctional Leaders Assoc. <https://www.asca.net/>

From Michaela [P] Ind. Student to Everyone:

That is like saying 2-year rep would satisfy Accrediting agencies spot... Or in lieu of DoE. DoC is an Agency, there should be a rep from that agency for these discussions

From Dr. McTier (A) Priv. Non-Profit to Everyone:

We've already tried to address adding someone to the sub-committee to no avail.

From Bethany (P) Disability (she/her) to Everyone:

I heard consensus check

From Christina, she/her (A), 2-year Public to Everyone:

Robert Ayala will return to the table as primary negotiator for 2-year publics.

From Misty (P) Priv. Non-Profit to Everyone:

I will be returning as primary after lunch