

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
PRISON EDUCATION PROGRAMS SUBCOMMITTEE
SESSION 2, DAY 2, MORNING
November 9, 2021

On the 9th 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

MR. WASHINGTON: Good morning, everyone, and welcome back to the second day of the second session and final session of the Prison Education Program Subcommittee. We are gathered here today to develop, develop regulations that the subcommittee can recommend to the main committee in regards to implementing the statutory the statute regarding prison education programs and provide a framework through regulation. I'm going to jump right into introductions because I really want to start this out this morning, diving right back into the language as quickly as possible. And so with that said, let's start with in no specific order. Belinda Wheeler.

DR. WHEELER: Good morning, everyone. I'm Dr. Belinda Wheeler. Feel free to call me Belinda. I'm a senior program associate at the Vera Institute of Justice, and I'm representing consumer advocacy groups today. Thank you.

MR. WASHINGTON: Kim Cary.

MS. CARY: Good morning, everyone. Kim Cary, I'm the college director for financial aid at Ozarks Technical Community College in Springfield, Missouri. And I'm representing the financial aid administrators on this committee and feel free to call me Kim and my apologies, I'll be in and out today, so I'll catch up when I can.

MR. WASHINGTON: Thank you, Kim. Stanley Andrisse.

DR. ANDRISSE: Morning, everyone. Stan Andrisse, I'm an assistant professor at Howard University College of Medicine and the executive director of Prisons-to-Professionals . And I am here representing formerly incarcerated students.

MR. WASHINGTON: Thank you, Stan. Terrell Blount.

MR. BLOUNT: Good morning, everyone. My name is Terrell Blount, I am the director of the Formerly Incarcerated College Graduates network and serving on the subcommittee representing groups that represent incarcerated people.

MR. WASHINGTON: Thank you. Terrence McTier.

MS. WILSON: Aaron, he hasn't logged in yet, but I'm monitoring it and we'll let him in as soon as he is.

MR. WASHINGTON: Okay, thank you. Marisa Britton-Bostwick.

MS. BRITTON-BOSTWICK: Good morning, everyone. My name is Marisa Britton-Bostwick. I'm the education director for the Montana Department of Corrections.

MR. WASHINGTON: And Angie Paccione.

DR. PACCIONE: Yes, good morning, everyone. Angie Paccione, the executive director of the Colorado Department of Higher Education representing SHEEO, the State Hired Executive Officers Organization. I also will be in and out for two 30 minute meetings. One happens, unfortunately at the bottom of this hour, but I'll be back at the top of the hour. So good to be with you all. Call me, Angie.

MR. WASHINGTON: Thank you for the update, Angie. And we have our new subcommittee member here with us. So I want to open up the floor for Anne Precythe to introduce herself and provide us a little information on her background.

MS. PRECYTHE: Thank you, Aaron. Can you hear me?

MR. WASHINGTON: Yes, we can hear you.

MS. PRECYTHE: Okay, good. So I'm Anne Precythe, I'm the director of corrections for the state of Missouri. So it's nice to see some of my fellow Missourians here, and I am also the president for the Correctional Leaders Association. So I'm very excited to be here, incredibly supportive of the Pell Grant, the higher education opportunities for the people we serve, not only as director of corrections in Missouri, but also for the United States. My colleagues across the United

States are very appreciative for this opportunity, so I'm excited to be here and be able to represent them as we work through this legislation. So is that good, Aaron?

MR. WASHINGTON: That's great. Thank you so much.

MS. PRECYTHE: And you all can call me Anne, I am a very simple girl. You can look at Dr. Andrisse see and see that. So I'm just here to do good business and get to know you all and see if we can work through and make this a great product for for all of us.

MR. WASHINGTON: Thank you. So just for the entire subcommittee sake, I'm going to just run through some of the protocols very quickly. I'm not going to read them all like I did yesterday, just but we hope that cameras will remain on and active during all sessions and you can turn them off during breaks, of course. I think we, as we said yesterday, I think we will take maybe a 10 minute break at 2:00 p.m. as well. We haven't done that in the past. We hope that subcommittee members remain engaged throughout the entire time that they are with us. And if you wish to speak, please raise your hands. And Sophia McArdle, do you want to come on camera, Sophia, and say hello to everybody, so everybody's.

MS. MCARDLE: Hello, I think I'm on. Am I not on?

MR. WASHINGTON: Sophia will determine the order and and call on subcommittee members. She will also hold subcommittee members to about three minutes. And of course, if you want to, if you want to continue your statement, just raise your hands so you can speak again. It's just to allow everybody enough time, time to speak. The subcommittee does not vote. We're a working group and our goal is to submit a recommendation, hopefully one recommendations to the main committee. I think you know what? We probably should I think we already decided that Belinda and Stan are going to present out. Did anybody else have time to think about whether they wanted to also be a part of that group? The main committee is December 6th through the 10th. I still do not have a specific time that the subcommittee will report out, but it will be a more extensive report out. It will be amendatory language accompanied by a higher level report, PowerPoint presentation. Sophia, I think we have a I'll pause there for questions, Sophia.

MS. MCARDLE: I think I put myself on mute. Kim, please.

MS. CARY: Thank you. Linda and Stan, I just want to let you know that if if the final product you're submitting. I completely agree you guys should do that. You did an awesome job last time. But if there's any

financial aid pieces technical that you need assistance with, please call on me to help with that because that's what I'm here for.

MR. WASHINGTON: Thank you for that, Kim. It actually might really come in handy when we're talking about the the the reductions with Pell Grant if it exceeds cost of attendance and it might be helpful to have a financial aid administrator's voice to kind of, you know, allay the main committee's concerns about that, you know. And I will also be doing temperature checks. I know, you know, there were some requests not to do temperature checks for certain sections of the subpart P. So let me know if you don't want to do a temperature check for a certain subset for a certain subsection of subpart P, but I do want to pick up doing temperature checks, though after hour after we conclude our discussion today on the definition of a prison education program. I would at least like to take a temperature check on that. I know, of course, a lot of different parts play into different parts in subpart P and it is different. It is difficult to do. It is difficult to take a temperature check on like just one specific part that may impact another part, but I think it would it would help to see how much disagreement we have. And Vanessa, Vanessa, do you want to say hello? I just for the sake of

the public that maybe joining in and our new subcommittee member, Anne.

MS. GOMEZ: Hi everyone. Good morning, I'm Vanessa. You'll be seeing my screen throughout the day. Happy to be here.

MR. WASHINGTON: So Vanessa will be sharing her screen. And so what I've done, so what, and she'll be making real time edits throughout the day whenever you have any language suggestions. I what I tried to do yesterday is I've gone back through based on a subcommittee member's recommendation, and I put in the comment bubbles from the first subcommittee. And so I hope that you will see places where the Department has amended or changed or updated language based on a recommendation made by the subcommittee. So you'll see, as Vanessa screen sharing, you will actually see I think you'll see some like 10/20 Stan or 10/20 Belinda or 10/20 Dr. McTier or Terrell or Marisa. So you can see see where the changes were made. I think that'll be more clear today. And Vanessa is going to continue highlighting any any agreed upon changes in blue. The only change that we had that was really agreed to yesterday was in the well that the Department kind of weighed in on was the in the student eligibility section. I know there wasn't an agreement on the student eligibility section in general,

but we were able to talk to our General Counsel's Office over the lunch period and combine two paragraphs, the is not incarcerated and is enrolled in the prison education program into one paragraph. But again, I still I do realize that there was not total agreement on that section, but that was just something that the Department was able to update based on a recommendation made by the subcommittee, made by a subcommittee member. So today we're going to dive back into the prohibition on licensure employment text. But I did before we do that, I want to just say one thing, I think that I just really wanted to clarify that this is the subcommittee's recommendation. You can all recommend whatever you want. We have we have had in the past. Well, the subcommittee that I've been a part of in the past, mainly from what I recall have really strives to present one recommendation to the main committee. We have seen multiple recommendations provided to the main committee. I think it's really important to keep in mind and that you all are aware that there are nine topics on the main committee's agenda. And so providing multiple recommendations to the to the main committee will require the main committee to, you know, go through the text and really determine which recommendation they want to they would like to adopt and vote on. I think what we're trying to do here is just

collaborate. And when I say when, if you don't see something that was reflected in this language that you had proposed, what I don't want to do is recommend something to you all that we know that the Department cannot agree to. And I can give a specific example, So in 668.32, we believe that the law is clear that a student, a confined or incarcerated individual is required must enroll in a prison education program to access Pell. So if there is a recommendation to the main committee that that we offer, that Pell is offered to students to enroll in one course not not not an eligible for an education program, which is one course because because of interest or because that one course that they, the student feels that they need the Department I my goal here is to let you know that the Department likely could not agree to that, because that is that is not aligned with statutory framework about student eligibility, students having to enroll in prison education in an eligible program in general or if the subcommittee, for instance. Well, we'll get into we'll get into the licensure piece in a moment. But I just wanted to give provide just one quick example of an area because I know there was a lot of discussion about 668.32 yesterday. And so my goal is just to really let you all know areas where the Department likely would not be able to agree to on the main committee. And that

is one of the areas where we see that as a technical change. And we did strive to adopt a recommendation to make that paragraph clearer to readers about what the statute says. But we cannot deviate from the statute. But that does not mean that you can't recommend that to the main committee. But that does mean that the that the that during the main committee sessions the Department may weigh in and say that is something that we're required to enforce and can't agree to. So I'll pause there for questions.

MS. MCARDLE: We have Terrell.

MR. BLOUNT: Good morning, Aaron. And thank you for that piece you just shared. My question is around like when this process is done, will any of the notes or recommendations that wasn't accepted or approved, would that be made to the public? Because I think in the previous meetings, especially like yesterday, I think and Stan you can correct me if I'm wrong here, but I think Dr. Andrisse did recognize that in previous meetings, you said that, you know, certain language cannot be changed. And I think we even discussed like us possibly having to go through other means to try to challenge some of those the wording that's in the language right now. But I think Dr. Andrisse yesterday and I'm also speaking for myself, I just want this to be recorded that we are identifying

some of these things as barriers in the event that they're not accepted. So again, my question is, will these recommendations that the subcommittee makes be public knowledge so that I can go on record, that we tried to make change in the, or recommend change, in the ways we see fit? But there are things that we disagree with and we just tried to work within our means.

MS. MCARDLE: Stan?

DR. ANDRISSE: Good morning, everyone, and welcome, welcome back. Excited to be here with you. Yeah, I would. I would want to point to what Terrell mentioned as well. And I mean, I think Terrell to, you know, if if the Department doesn't make it public, maybe it becomes upon us to make it public. And of course, this is public. So you know, it's public in that sense. But you know, something more clearly stating that this is not Pell for All this is, there's still more work to be done. We restricted the idea that it has to be a prison education program, advocates such as Terrell and I and others on the call. You know, this is this is not where, we wanted a more inclusive and equitable version of Pell. And that was what my comment was made. And I, you know, I made that, I made the comment so that it can be included in the references of the notes so that that is not, doesn't disappear from the reference of the notes. Of course,

it's in the public knowledge of this being recorded, but I think it's important to note that, you know, advocates and people that we represent you know, Terrell and I are not satisfied with the way that this is this may potentially, you know, not increase Pell the way that we even hope for it to to increase Pell because of all the restrictions that would make the difficulty that we're putting in place to even create a prison education program. So, you know, we are disappointed, our collective constituencies are disappointed that this is not Pell for All.

MS. MCARDLE: Arron and then Kim.

MR. WASHINGTON: Thank you for those comments Stan and Terrell. I just, Stan you already you already touched upon some of the things I was going to say, but we this is a recorded session. And I believe and Amy will just say it's not there yet, but I'm pretty sure that the recordings are already posted to our ed.gov website. I watched one of these as one of them yesterday just to hear how I sounded on a on a recording. So never, I probably won't do that again. But, but yeah, so the videos are already there, so it's public record. Of course, the public can view right now. And then we're also going to be posting transcripts to our website of everything that was said. Keep in mind, I also sent the

bubble comments to you all from the last session. I will do that again this time. So I remember Stan, Stan, you had said yesterday, you know, put my comment in the document, Aaron, just put it in the document. I'm trying to tell you what I'm trying to say. And so, you know, then Vanessa put it in the document. And so that this document that we're all looking at right now that Vanessa is sharing will also be sent to you all. And finally, in the report out. So when you report to the main committee, there is, you know, you can you can say that this is what you disagree with. I think what would be helpful is if you know, if we can come to one recommendation to say, you know, and we can say, well, I wasn't totally sold on everything that happened at the subcommittee, every single line and every single provision. But I do generally agree with the direction, but I still had concerns, you know, and I these are places I had concerns and I didn't like this, I didn't like this, I didn't like this. But that doesn't stop me from, you know, providing that doesn't stop the subcommittee from providing this one recommendation to the to the main committee. I think that would be very helpful if you told the main committee areas that you didn't necessarily agree with, but also that for the for the sake of, I guess, compromise and the benefit of taking everybody's perspective into account,

the subcommittee members, the constituencies and the departments, I would agree to this one recommendation. Still, with not agreeing with like everything, every single piece of the regulatory framework. I'll pause there.

MS. MCARDLE: Kim and then Stan.

MS. CARY: Thanks, Aaron. So you just hit on what I was going to ask about on the transcript. So it is recorded, but the transcriptions that are being done, when will when we'll be able to see those and access those?

MS. WILSON: Aaron, this is Amy, do you want me to answer that? It does, it does take a little bit of time to process all of this and to get it onto our website. We do have a official transcriber looking at the information and then doing the transcription. So we do have all the information from the first session up, if I'm not mistaken, the videos, the transcripts. This, I would imagine, will be up in a week or two because it does take that time to get everything done and ready and also 508 compliant, so we get them up as soon as we possibly can. They're already working on the information from yesterday.

MS. CARY: Okay. Well, thank you, Amy. So, Stanley, I mean, you know, I look at it as a door is

opened. This is an opportunity. It may not be as open as we want, but it has started opening. And so it's just going to be a matter of us taking those transcripts and recordings and following back up with our legislators and saying what we how far we want it to remain open.

MS. MCARDLE: Stan, please.

DR. ANDRISSE: Yes. Thank you, Kim. I agree. I mean, from the onset, I was kind of aware that this was not Pell for All and that there's additional advocacy to be done. You know, this is one of the, you know, I was we all discussed last time bringing on someone in at the director level of DOC and that was why I recommended, you know, Anne Precythe to join us to me being on the full committee and recommended that so Director Precythe was, of course, one of the directors of many that joined us in the advocacy for Pell Restoration On The Hill. So, you know, some of us, you know, all of us on this call are related and tied to this work. And then there are, you know, there's there's some of us like myself, Terrell and others, Anne Precythe, Belinda, I know that have been spending years and there's others that were representing that have been spending decades, you know, advocating for this change. So, you know, we're coming at it, you know, to our Department of ED colleagues, you know that work to implement these changes. You know, we're you know, we're

sitting at a different perspective, you know, at this table than where you're sitting at, of course. I mean, you probably can't even advocate for I don't know what your ability to advocate for things like that is being on the Department of ED but you know, we are individuals that have been spending years trying to make these changes come into place. And so again, I stress the fact that, you know, our advocacy, we were one of the leading groups, my organization, Terrell's organization that he's representing and others, you know, some of the leading groups that were pushing for Pell restoration Director Precythe was again one of the leading groups. That's why, again, I mentioned that I think is valuable for her to be here at the table that we're pushing for Pell for All. This is not Pell for All. And I agree Kim, you know, I'm definitely here trying to get everyone at the table to think about how we can make the language the most inclusive. And you know, I think that, you know, you know, I clearly understand, you know, the restriction of what it says that you have to be in a prison education program. Then let's look to make the definition of a prison education program as inclusive as possible, if that is the requirement, right? So Kim, I'm with you. I want to try to make this work the way, the best way that we can. And again, excited to be here with you all today.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you for that, Stan, and I think with that, we should dive into the language. We are, let's see, we're going to go back to paragraph 8 of section 668.236.

MS. MCARDLE: Stan, do you have a comment?

DR. ANDRISSE: Yes, I did. I don't know if I missed it before, like we went live publicly as I joined right at that moment, but did we mention how we were going to myself and Belinda sent some language recommendations to the committee. Did we mention how we're going to address those recommendations that we sent?

MR. WASHINGTON: I didn't, you know, I we got them, I think we got the first one, we did get a recommendation on the 25% waiver. I think 6 p.m. yesterday. So we're still reviewing that and we think, I had a lot of e-mails this morning. So we I think we got some, we got some, we got some, I Stan, I saw yours. I didn't open it yet, but we saw yours. And then we, I think, but but they will all be addressed. They'll all be addressed and I but it's today they likely won't be addressed. We still have a bit to get through. And for, you know, we have accreditation, application requirements to the Department, reporting requirements, best interest,

and wind down. And so I think that that probably will take some time. And then I was hoping that if we can get through everything today, we can start going back through today, going and starting back, you know, where we had like areas of disagreement to try and resolve those. So over lunch, I can talk with my colleagues about how more specifically, we're going to address all those language proposals. But they have been received. It's and I was hoping that tomorrow we could go back through the entire documents and and add in all that information. And if the department doesn't recommend to add, it, provides you with the rationale on why we didn't propose to add it. But we did. But I did have a chance to look at Belinda's documents specifically about the scaffolding for the 600%.

DR. ANDRISSE: If that might add a suggestion. I mean, some of the, so Belinda's document didn't only and Belinda correct me if I'm wrong, like all of the green areas were recommendations. So what was the number of you had like, there was there was like eight green there was eight suggested language suggestions. So it's not just, you know, it's not just one. There was multiple of them. And I added one this morning. That is a collective document that was worked on by several of us on the subcommittee. So I mean, it is a document that is

kind of already in agreeance with a good portion of the subcommittee. And then my suggestion was going to be that some of those haven't yet come up yet. So I mean, when they come up, we can we can recommend the text right there to you because they're in that document. So and then the others that we've already passed, as you mentioned, when we go back, we can add that recommendation in.

MR. WASHINGTON: I think that's a good idea, so yeah, if there's yeah, I mean, that's a great idea. Just recommend it at that point. Yeah.

MS. MCARDLE: No other comments at this time.

MR. WASHINGTON: Alright. So we're going to go back to paragraph 8 and Vanessa, has it pulled up now. So as you can see on your screen, what I've done is I've added Terrell's language well, Terrell's proposal from October 20th back into the document, so you can all see it. I've also added Kim's comments on, you know, if we do allow students to acknowledge there's a prohibition on licensure employment and still enroll in the program that could have an impact on job placement rates if students aren't able to get jobs in those fields or be licensed in those in those in the field of education was preparing them for. And then you can also see the comment bubble

that we've added language here that Kim recommended on 10/20 about the postsecondary institution making that determination. Where students are most likely to return to or was was that upon release from a federal correctional facility. And that recommendation has to be made at least annually to ensure that the programs are in compliance with any state prohibitions on licensure employment. So yesterday we did receive some thumbs down, which I kind of walked through yesterday, but for this discussion, the Department cannot override the provision, this provision in the statute. So we acknowledge Terrell's suggestion to allow students to acknowledge that the program that they or they acknowledge that the program, there's a prohibition on licensure and that's upon enrollment, so that would be the student upon enrolling in the program, we would know that the student, you know, there was a state law or federal law banning borrower, prohibiting the student from obtaining employment in that, you know, a licensure. But but the Department that cannot the Department's position is that we cannot override the statutory provision, and I will pause there for comment.

MS. MCARDLE: Belinda.

DR. WHEELER: Great, thank you very much.
Yeah, this is one of those ones that's going to deflect

to that bigger bubble that was sent to the to the subcommittee last night. With with the advice, the great advice that the Department had given us about the potential framework that we could, the recommendation that the Department had given, for example, the subcommittee could consider whether recommendations should be made about how an institution would make those determinations. The subcommittee could also make recommendations on programs to ensure they're keeping track of rapidly changing laws in this space and things of that nature. Now, the bubble that I have, I'm not sure if you want to document it now, you could potentially just say, you know, see, you know, Belinda's 6:30pm email to the subcommittee there. But I've got a I've got three different recommendations for the subcommittee to consider. You know, this is certainly not me dictating to the subcommittee, but some, some possible ways to work within the recommendations that the Department had provided were, for example, A, in the case where a person who is currently incarcerated is planning to to return to a state post-release where there are no licensure restrictions, the student working with the educational partner should not be restricted from taking classes in that discipline so that this way it's I've got in parentheses the previous recommendation about students

having programing and or licensure information at least five business days before the institutions drop/add period would be highly beneficial here. I know I'm sending a lot of information your way verbally, but it is in the document sent last night. B, educational institutions wishing to offer a program that currently has typical prohibition, licensure or employment restrictions in their state are encouraged to work with employers and other community stakeholders to remove those prohibitions. So trying to kind of, you know, motivate educational partners to, you know, kind of look into, you know, perhaps advocating for some of this programing, you know, restrictions to be modified so that they can provide more opportunities for students and then, C, educational institutions encourage to work with state employment offices and state education offices such as SHEEO, for example, to help keep track of rapidly changing licensure laws statewide and nationally. So I just mentioned them as a small caveat here. I don't expect necessarily for you all to kind of transcribe that now, but just read kind of verbatim with potential subcommittee, you know, for the subcommittee to consider for this particular point. Thank you.

MS. MCARDLE: Stan.

DR. ANDRISSE: Belinda, could you also

recommend that. What was the number of that particular within your bubble comments? Which which number was it? To help direct us to that more specifically in the document. I don't know if that would be helpful.

DR. WHEELER: I I I hope it's okay to speak. So it's on page 6 there's not actually an actual, let me check on the PDF really quick here, Stan. On the PDF, it's comment A9R7 on page 6. But on the PDF, you'll see it's a long bubble so there's that there's those ellipses there that show that, you know, the PDF can't capture everything. So on the Word document, which was what I was reading from. It's also on page 6, but on the Word document, there's no actual reference point there, but it is it is connected to this exact moment that the Department is showing up on the screen right now. So the bubble does correspond with this exact paragraph number number 8 in the in the document. I hope that helps Stan.

DR. ANDRISSE: Yes. And I would just add to what was mentioned because this is again Belinda and I had conversation around what she just mentioned and I am in agreeance with with what you just mentioned. So that's, you know, I'm a plus one to that. But I would also just ask to the my question is what is your interpretation what is the Department's interpretation of the use of "typically" that would say that this, you

know, how do you define "typically involves prohibition"?

MS. MCARDLE: Aaron, did you want to respond to that question?

MR. WASHINGTON: Oh, sure, we have not defined typically involves prohibition, but. I think if you wanted to offer a proposal, you can you can either state that now or provide it in writing later.

DR. ANDRISSE: Well, my my understanding of the use of "typically" I mean, I mean, you open with that the Department's interpretation of this is that it is a denial. But my interpretation of "typically" is that it's case by case. Right. I mean, to say that it's a blanket denial. You know, so I guess explain to me further how the Department sees that it is a blanket denial of, you know, what, let's let's I think there needs to be a better explanation of what you what your statement was that you opened with on this particular piece.

MR. WASHINGTON: Well, I think that we're trying in in one and two under the one and two. So this is the number, H is the statutory language, right? And so we've added, of course we've added Kim's recommendation and we tried to expand on our rationale or our interpretation of the statute in numbers one and two. And so that's this is the framework for how the Department has interpreted through or proposes to interpret the

regulation, the statutory framework. And so I don't want to read it verbatim to you because you can see it on your screen. But I this is these those two the paragraph one and two the paragraph one corresponds to a state correctional facility. Paragraph two is about a federal correctional facility. Those are the ways in which the department has interpreted the statutory text. And so that would be a student could not enroll in a program if there's a federal or state law in that state, that would prohibit if it's a if it's a facility other than a federal correctional facility. And then then also the same would apply for federal facility based on where the state in which most of us are likely to return. So that is the current proposed recommendation from the Department. And again, there's no there's no definition in the regulation right now of "typically involves prohibition". We had not proposed or recommended that. And so that's why I was trying to say, if you have a definition, you could propose. One more thing Stan, just one more thing, Vanessa, if you can scroll down just a little bit to have the blue all in the, yeah, so Belinda, if you could do a thumbs up or a yes or that is, this is Belinda's recommendation. So I put this into the document, so I'll try and do that as we go along so the subcommittee can see it in a way in on it. And I think I

think you sent this to the entire subcommittee as well, Belinda, so you probably have this in the document as well, but it's there for the public to see as well.

MS. MCARDLE: Kim.

MR. WASHINGTON: I think Stan wanted to say something else, Sophia. I'm sorry, sorry, Kim, I cut Stan off to say what I wanted to say and so if we could let Stan finish?

MS. MCARDLE: Go ahead, Stan.

DR. ANDRISSE: I feel like and I feel like adding the additional definition just further discourages the the the creation of programs that that may require licensures. So if I am a, you know, if I am, for instance, many, you know, I'm very familiar being in the medical field with this particular scenario in the medical field. It doesn't, there is no ban on it, specifically. It is you know, it is, the wording is looking at whether there's a character fit. And I'm I'm forgetting the exact wording that they're that they use. But it's essentially that the that it's based on character, right? And it's in it's case by case and this is for, you know, medical licensure and health health care licensing. But you know, to the program director who is, you know, seeing this, most people think that there are specific bans and adding that language says that

gives you no further gives people the belief that there are specific bans and particular areas that there really aren't specific bans. They are case by case scenarios. Even with with law degrees and getting barred, there's usually not a definite if you have a criminal conviction of this particular type you can't get in. It's mostly the way that it's written is that it's case by case, and they they will take a case by case. So I think further adding that definition, just it's going to it's going to create less access, right? It's going to create less is going to give less access to people getting into programs because program directors will shy away from, for instance, creating a pre-law degree program, right? So an undergraduate or associate's degree program that is preparing people to move into a graduate degree for law, right? They will see this in like, oh, I bet our state has a bar on people can't get into being a lawyer like you're you have a criminal conviction and they won't even look to see if that's possible. So I just don't like that language and I would I would say just to if that is the the first part is statutory I don't think we even need to add that additional part.

MR. WASHINGTON: Okay. So, I mean, just to follow up. Is there a state or would there be, in what you just described, upon so like so you're so upon

enrollment into a program, what would the student have been prohibited from obtaining licensure employment? Was there a state law that specifically said the student cannot the student cannot get licensure employment in I don't know, to be a pharmaceutical tech or to be a teacher or to be an electrical engineer. That's the the regulation is saying that if there is a actual law on the book that specifically says that the student would be prohibited from sitting for a licensure exam, then they could not do that. If there is a case by case review for each student that there may not be a state law specifically banning that student from obtaining licensure or sitting for the licensure exam, but the state is saying we will see right later on. But what we're talking about here is at the time that the student enrolls in the program. Is there a state or federal prohibition on the students entering, sitting for licensure or being employed? You know, and trying to trying to provide a student actually a consumer protection so that schools are not enrolling students in programs that they know upon enrollment, the student would not be able to obtain licensure employment. And if the law does change, if the law changes, the student would be able to enroll in that enroll in that program. It's just that upon enrollment, we don't want to promote

the promote offerings to students where they could not sit for licensure where we know they couldn't sit for licensure employment. And then keep in mind the student, their Pell Grant is limited, right? So like they are limited to six scheduled awards, which we talked about yesterday. And so while we could have the case where there are students that you know, you could press forward and could have state law.

DR. ANDRISSE: If I might add in, I get it. I, I agree. And if there is documented, what I'm saying is this is misleading in a way and not not necessary because if there is, instead of creating text that will mislead or dis encourage program directors from starting particular programs, I mean, I'm I'm against adding this. I would if we were to add any clarifications, I would prefer to add clarifications that would look to incentivize the starting of of programs that fall into this gray area. There's not very many, I mean, there's the amount of actual bans in place is less than what people perceive them to be. So it's it's, I think, just there certain fields that people think that there's bans on if you actually look in, there's not. I don't think that you need to add this clarification here because it just makes it more discouraging for a program director to try and implement a pre law program, for instance. I

think that if we add language instead to what Belinda pointed to, it can incentivize that the program has flexibility to potentially offer these types of programs even if they, you know, and then leave it up to the Department of ED to, you know, approve it or disapprove it.

MR. WASHINGTON: So can we add so maybe Stan so can we add a comment bubble then to the document? Maybe Vanessa can add a comment bubble to the document to say. Is your recommendation to remove?

DR. ANDRISSE: My recommendation would be to remove one and two.

MR. WASHINGTON: Yeah, okay. And then focus more on Belinda's recommendations. And so.

DR. ANDRISSE: And I might add that to, you know, Dr. Noel Vest gave a compelling testimony to this very point in the main committee to the main committee, he was a public comment, and you know, he mentioned how this will, there's a number of people such as Shon Hopwood and Tarra Simmons and Dwayne Betts and a number of individuals who have broken through the barrier of becoming lawyers who got, you know, barred. This would would not give the opportunity to create Shon's, Tarra's and Dwayne's, you know, I don't think we want language that would disincentivize that because, you know, who are

the predatory institutions? What are what examples, I don't know this, this is I think we you know, my recommendation would be to remove that.

MR. WASHINGTON: Okay, I think Vanessa has captured that.

MS. MCARDLE: Should we move on to Kim then? Kim, please.

MS. CARY: Thank you. So I have a question, Aaron, about thirty four or the 668.237. Which part of that is statute that we can't change?

MR. WASHINGTON: Under the accreditation requirements?

MS. CARY: Yes.

MR. WASHINGTON: Oh, we will move to that section next. I just wanted to make sure our conversation was done.

MS. CARY: Well, the reason I ask is part of the bubble and the and the I think it it works with both is in the one that we're in, if you scroll up just a little bit, it talks about within the state. Okay, so, and then we're saying that the school is going to determine which state that most of their most of them will reside and upon release, right? So but then Melinda's bubble is saying that if the student wants to go is going to reside somewhere else that we need to

incorporate them into a program if there is no hindrance to them getting a licensure. So I agree with that but, I mean, both of the one and two are talking about, I mean, the statute here is talking about in the state in which the correctional facility is located. So it doesn't allow us to go to another state and look at it. Does that make sense what I'm saying?

MR. WASHINGTON: So the set so yeah, the statute for the State Correctional Facility is about oh sorry, anything other than a federal facility the, anything other than a federal facility, it it's it's about the state in which the facility is the correctional facility located. So for the juvenile justice facilities, the work farms, the reformatories, local jails. It would this paragraph H would be applicable to the state. And then then for the federal facility, it would be wherever that most students students are most likely to return to. So, Belinda, if you if you wanted to describe your, we have your recommendations up there now. I don't know if you wanted to go into further detail about how each of them would. How each of them would how how how you would see each of them playing out, that would probably be helpful with the subcommittee.

MS. MCARDLE: Belinda.

DR. WHEELER: Let me just check in super

quick. I see Dave has his hand up and I just wanted to check if he wanted to add something about the Department in general before I respond to this.

MS. MCARDLE: Dave? Dave?

MR. MUSSER: Sure. Yeah, I can talk for a second. So I wanted to give at least a little bit of background as to why the Department is suggesting these two clarifying paragraphs one and two here. It's partly an operational consideration. And it was it was, you know, we had been thinking about how challenging it would be for institutions to be aware of restrictions on potential employment when restrictions, as as has been pointed out here in multiple cases are sometimes applied at the local level, sometimes they're applied in really nuanced cases. And we've we've heard discussions about, you know, restrictions based on moral character that could include restrictions here. So part of what we were attempting to do with this language was to ensure that there was a clear delineation about what needs to be considered and what doesn't. And I don't want that to be to to to be lost in this discussion. And we're certainly open to suggestions about how to improve on that idea. But what we what we have in one and two essentially says that when a school is deciding whether it needs to limit enrollment in accordance with this statutory requirement,

it doesn't need to look at things like the moral character considerations that are very fuzzy and sort of on a case-by-case basis. It's not if those things are not clearly enshrined in law, and it also doesn't need to consider local prohibitions that it might be aware of that that might otherwise prohibit individuals in a very specific area. We wanted to ensure that there was a simple, clear way for schools to comply with the statutory requirement, and that's part of the main reason for for this, the way that we explained it here. Now I certainly hear the concerns about where this takes schools and how they might want they might if they if they act conservatively, they might limit enrollment based on this. But the Department's intent was to ensure that they didn't go even further than this to limit enrollment in cases where potentially individuals could have been employed in the state and deny them the opportunity on that basis. So whatever we decide to do, I just want to be sure that that that particular issue is addressed in the language that that we end up with.

MS. MCARDLE: Belinda.

DR. WHEELER: Great, thank you very much. So just to get back to Kim's question, Kim, if I was hearing your comments from October correctly and please correct me if I'm wrong, like the original language had said that

corrections, you know, like corrections would determine, you know, what potential courses, for example, could be offered to students because of licensure. And if I remember your your comment correctly, just from that little bit from the bubble you were saying as part of the onboarding process, you know, when students are, meet with their academic advisor, for example, the students could then let the academic advisor know, you know, look, this is the program that I wanted to do, and therefore the educational institution would have a bit more of like they would have the current data available from that kind of initial onboarding. So what I was thinking with this particular sub point recommendation was that say, for example, a student wanted to do electrical engineering and they come to, you know, advisor and say, look, this is what I what I'm planning on doing. And because the school offers electrical, sorry, I even forgot what I was talking about electrical engineering. I hope that was the example. You know that that then the advisor could say, look, you know, given, you know, given your current position as a student who's applying for Pell in a carceral setting, you know you need to know that in this particular state, you know, there's these restrictions, but that would give the opportunity for a student to then, you know, hopefully with the advisor to say, look,

you know, in the state of, you know, another state like right next to next door, there isn't that restriction so that, you know, the student then informed, you know, like would be saying, might may indeed say, oh, look, you know, I, you know, I was planning on actually going to that state, you know, anyway, so that then that student is letting the educational institution know so that then the advisor knows that look okay we can, you know, sign the student up for these courses because the student has an understanding of that particular state that that was the kind of flexibility that I was thinking of. But please correct me if I'm wrong, if I misinterpreted what you'd said in October, because that's what I was thinking of where, you know, if the school is currently located in state X and there is a restriction in state X but then the student actually wants to go to state Y when they're actually released that the student can be empowered to sign up for that knowing that information. So let me, is that correct, Kim? Is that what you were thinking, my friend? Okay.

MS. CARY: It is correct. What I'm, with that comment, though I want to make sure that we're not restricted in the statute itself by saying in the state that the correctional facility is located is what you're you're you have to abide by. That that was what I was

wondering.

DR. WHEELER: Yeah and I see Aaron nodding, nodding his head there in agreement. So is that something that I might need to relook at then?

MR. WASHINGTON: I think we can definitely take it back, but I think that the statute is saying that the state that you know it has to, you know, it's in accordance with what the state, you know, the state prohibitions are in the state of the correctional facilities located in. And so it's kind of along the same lines of kind of allowing a student to sign an acknowledgment that I know that, you know, the program itself, you know, I've been prohibited from obtaining a licensure employment in the state in which the correctional facility is located in. But I want to go, but I'm going to return to another state. I don't know how that would apply to something other than a federal facility because the state facilities the law is pretty clear that you can't offer education that a student would be prohibited from licensure employment in that state in the state. The correctional facility located in. So it sounds to me like the student would still have to sign some sort of like acknowledgment or waiver of the statute of the actual statutory text in order to still enroll in that program.

MS. CARY: Okay. Okay. So another thing with that is, this may be coming up in the accreditation piece too, but part of the as I mentioned yesterday, a lot of this is going to get back to the institution level. And Stan I think you heavily agreed with me yesterday on this. Institutions have to be encouraged to not be fearful of opening these programs for fear of not being able to place them in jobs, which will impact negatively impact the institution's numbers to where the then the accreditation that they have to report to then says, Well, you're not meeting your numbers, so you can no longer offer this program. It's like a step by step process that you don't want to lose your accreditation. So where in this piece are we asking accreditors to rethink their process and their view on this at encouraging, I mean, institutions will go out and we will encourage and assist and work with businesses and legislators and push for this. But if we can't get the accreditors on board, then I think that's where your hiccup is going to happen and things will you won't see at this open up like it should. So I think we need to ask ourselves who's going to be talking to the accreditation teams and about this?

MS. MCARDLE: Well, let's see, we have several people. We have Stan, we have Anne we also have

Elizabeth Daggett from our accreditation team who would like to speak. Aaron, do you want Elizabeth to go and address the accreditation?

MR. WASHINGTON: Well, I mean, it depends if everybody else is okay with Elizabeth jumping ahead. Okay, I see a thumbs up from Stan. I can't see the other thumbs up, but I think I think it would be beneficial to have Elizabeth jump in.

MS. MCARDLE: Yes. Okay, Elizabeth, please.

MS. DAGGETT: It looks like Anne is wanting to say something first.

MR. WASHINGTON: Let's let Anne speak first.

DR. PRECYTHE: I'm sorry, thank you for letting me jump ahead, Elizabeth. I do have to jump to another meeting, but I think I understand why I'm here and Marisa can probably talk to this as well. But I think it's important for you to understand operationally what happens when this kind of conversation is coming up. So there's case managers in our institutions, and this is part of case planning and helping this the individuals in our care understand what's your plan for when you get out of here and if education is part of that where are you going to go where you can actually use this skill or obtain this licensure? And so there are processes to get people from one state to another state. So I mean, there

are I do hate to see it limited because I can also tell you from the legislative side, somebody's got to go first. And if a legislator is going to say, well, we don't even allow that kind of licensure here, they can't even get that kind of education why would they be inclined to change statute to allow for particular licensure? Different states are now being much more open minded, and they're starting to remove some of the barriers to obtaining licensure. I just throw that out there as food for thought for this committee, because as long as you have statute that prohibits them from even pursuing the possibility of having the opportunity, then that makes it that much more challenging to change the statute. So if the statute gets changed, now I got to go in and work to change this statute to be able to allow these people to even get into the program. So for whatever that's worth. This is amazing conversation and I'm excited to be part of this group. Thank you very much, and I'll be in tomorrow morning for a little bit. This was kind of short notice for me knowing about the meeting, but I will certainly do what I can to clear my schedule for future meetings. So thank you all so much. I really appreciate the work you're doing. It's very important from my perspective and from the correctional leaders across America. So thank you so much and I'll see

you in the morning.

MS. WILSON: Okay, thank you. Elizabeth then and then Stan, does that work?

MS. DAGGETT: Okay. I'm not sure I totally understand the issue that Kim has brought up. My understanding is that you are questioning whether or not the accrediting agencies would participate in allowing for substantive changes in this area, such as adding prison education programs. And whenever there are regulations added to Title IV eligibility requirements or opening up new programs accrediting agencies, just like there's an accrediting agency representative on the main committee, are involved in the discussions related to that language, so they'll be fully aware of the discussions that this committee has had. As far as the ability to change the way that they look at prison education programs that would be up to the agencies themselves. Any regulatory requirements we have for recognition are included in a separate section. This is related this section here as related to the accreditation requirements for the actual prison education programs. But there's nothing to prevent an accrediting agency from having different standards of review, depending on for student achievement that's what we refer to the review of outcomes such as graduation or employment or licensure

pass rates. There's nothing to prevent an accrediting agency from having different standards for different types of programs, as long as they could demonstrate why they did that and if there's a reason that they did that, which I think does different population would probably would definitely serve as a rationale for doing so. So I hope I answered your question if I didn't Kim, please or if you wanted to talk more about it, please let me know and I'm happy to do so.

MS. CARY: No. Thank you very much, and it's just more of making an awareness that though the institution may choose to do a program, it may not be supported all the way around for the student to have full access to what they need.

MS. MCARDLE: Stan.

DR. ANDRISSE: So thank you, Kim, Belinda, for your comments, I just want to acknowledge that I, you know, I plus one their comments and thoughts. But so I want to get my comment goes back to this "typically prohibits" and I appreciate the clarification of why the additional language was added. But I just want to kind of put together a scenario of how the "typically" could be used. So say, for instance, one program director who is looking to start a particular type of program, such as the pre law program, I'm going to go with that example

again could make the argument that their particular state I'm going to make the state suggestion, Washington state, that their particular state has, you know, theoretically say that their state has a ban, I'm not sure that Washington state has a ban, but let's say that their state has a ban, but I can tell you what I do know that despite the state having a ban that the previous two formerly incarcerated people that went before the state board were accepted. So if we look in the past 5 to 10 years of what typically takes place regarding this board's decision on formerly incarcerated people, typically the formerly incarcerated person has been barred. So I would, you know, the argument could be made that there's typically not a prohibition despite there being a ban in their state because despite there being a ban in the state, the actual formerly incarcerated people that came before that board were indeed granted licensure or certification. So typically what has happened is not a ban. So that's that's my argument to why if we include the language that the additional definition of the language, we then specifically say that if it has a ban, you cannot proceed forward. But if we leave it, as is the scenario that I just presented in the state of Washington, where two formerly incarcerated lawyers have beat the decision of you can't be here, have broken that

ceiling, that typically is the case in that particular state. So I would prefer to leave the language open for that scenario in that, you know, you know, advocates like myself can help encourage program directors of these types of situations where they would be encouraged to start these types of programs.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you for those comments, Stan. I so when when the when the individuals that you're referring to wrote, I think you said broke through the ceiling, was those the words you used, was that, I mean, I hear what you're saying. I think that what the Department is saying is that, you know, when those students enrolled in a program, there was, it sounds to me, like there was some sort of state law, correct me if I'm wrong, please correct me, there may have been a state law that would prohibit that student from obtaining licensure employment in that field. And I think it's definitely a positive thing, a great thing that the students were able to push through and, you know, obtain licensure employment in that field. But upon enrollment, it sounds like there was a state law that would have prohibited the student from doing so and through the student's own efforts, they were able to be licensed and I think we're trying to make sure that.

DR. ANDRISSE: My clarification is there's a loophole by your additional language. You remove that loophole, so you thus create more, you create less access with the without your additional definition there is a tiny loophole that someone could potentially pursue, but by adding your language, you remove that loophole.

MR. WASHINGTON: Alright, and I think Vanessa has noted your comment. And I think we probably need to move to the next section unless there's any more comments on this section. You know, so, I'll pause there.

MS. MCARDLE: There is there's a comment from Terrell, Terrell, please.

MR. BLOUNT: Thank you. I thank everyone for their comments. Stan and what he mentioned absolutely understand and agree with where he's coming from. And to use a more like concrete example in California, for years, incarcerated people have been trained to fight fires and have gone out to fight wildfires while incarcerated, and they get whatever experience, certification or licensure they would need, but on the outside, they were not able to be hired as firefighters. And to the director's comments shortly before she left I think what she was pointing to was that it is difficult to create an argument on why a law needs to be changed if you cannot demonstrate the need, because that is the game

that is usually played because if we can't make a demonstrate a reason why this law should be changed, i.e. there are people that have this experience, knowledge and expertise, and yet there's a barrier in place that argument in this kind of shot down. And I think, you know, I just wanted to add that piece in addition to what Stan saying which you know is about kind of blocking the opportunities for people to, you know, exceed those limits and challenge those, you know, those typically those typical situations where there's like a blanket law, but people can kind of get past it. I think allowing programs to create this and his example, pre law program, even though in that state, typically people cannot practice or, you know, that licensure is ultimately going to be prohibited because of someone's conviction history. I think, you know, put in that barrier in place is kind of reflected in the language as it currently stands.

MR. WASHINGTON: Sophia, if I could just jump in really quickly, I just. You know, we expect I think the Department does expect that there will be changes in in in laws and and we've seen rapid changes in recent years. And if a law changes and an occupation becomes newly opened to formerly incarcerated students, the school would be able to add those programs at that time. So we I think what we're seeking feedback on

language is to ensure institutions would reflect updated state, state and federal laws as soon as possible, I think. So that was just a response to not only Anne but also Terrell.

MS. MCARDLE: Okay, we have Stan and then Kim.

DR. ANDRISSE: I just wanted to make another reference to the point of the conflict of having, Aaron, you be our facilitator. In the, we are the ones that should be saying what the recommended language is, but what you're what you and David are telling me is that we can't, you know, if the committee you're basically say, you're going to keep it here because that's what that's what the Department wants. And you know, that's that's the whole point of what we made the point to that it's a conflict of interest to you, for you to be our facilitator because you have an interest of being on the Department of ED and then you're trying to facilitate this conversation. The subcommittee wants one thing, but then you're also part of Department of ED and so you're wanting something else. Like that is a conflict of interest that we brought up in the main committee, and it's matriculating and showing itself right here right now.

MS. WILSON: Kim.

MS. CARY: So from an institutional perspective and a financial aid, when I would be sitting down with my academic partners, they would ask me, what do the regulations say? And If I had just the initial language without one and two, then I would say you have the ability to offer a program if you choose to as long as you disclose that an individual could not receive licensure and that would be up to this to the institution to take that risk. However, it also opens the door for bad actors to come in and do offer those programs knowing students can't get licensure just to have the students. So I can see how one and two would protect against the bad actor part. But at the same time, if one and two is left in there, I would then read down and say, well, we have an option here that kind of left the door open a little bit, but one and two are saying very specifically, we can't. And so schools are going to read that one and two and say we can't even go down that road until the state changes their changes their their ways and their laws. So and it be up to the institution to make sure that they're staying on track of what ones have changed. So I hear what Stan and everyone is saying, in the end, the institution is going to ask me to read the regulations, and that's the recommendation I would push back at them as you can't at this point offer it. Because

you don't want to take that risk. Thank you.

MS. MCARDLE: Terrell.

MR. BLOUNT: Apologies, I didn't take my hand down.

MS. MCARDLE: Aaron and then Stan.

MR. WASHINGTON: I'll let Stan go first, because I think we I think I need to have to I'll let Stan go first. Thank you, Sophia.

DR. ANDRISSE: I would just again plus one Kim and add to what so what Kim explained very nicely of both sides is the reason why I feel that that language should be removed. And then it would be more beneficial to have Belinda's suggested language because Belinda's suggested language could keep some of the bad actors from going in because the bad actors would be required to tell the students that there's going to be challenges if the student didn't already know that they were going to be challenges. So by removing it, adding what Belinda said, it can address what Kim said, creating the opportunity for the loophole for a program director to pursue it, but also creating a bit of a guardrail for bad actors to come in.

MR. WASHINGTON: Thank you for those comments, Stan. I think we've noted we've noted the comments, I think we had some recommendations to remove

one and two. And I and then we have Belinda's recommendations noted here. So I think with that, I think we can move into accreditation. We do have the comments noted there on record video comment bubble transcript. So let's see, we're going to move into 668.237 you've already heard Elizabeth Daggett, our our expert from accreditation, weigh in on a piece already, but she is here for technical support on all things accreditation. So there were some, under 668.237, there are some technical changes and cross-referenced edits that we made to this part. The main substantive change we made here is that, well, you'll see, let's see, I don't know if you can see it, on in small (b) number two, Belinda had made a proposal that if a program offered through a new method of delivery, if a program was offered through a new method of delivery that was already evaluated and approved by the accreditor were to be started or established, then that program would also have to be evaluated by the accreditor. And that meaning if the accreditor already has to evaluate fully the first prison education program at the first two additional locations. And so if there was a change in method of delivery for the third prison education program, that would also have to be reviewed. And that's like, for instance, if they changed from in-person to their third offering was a a

correspondence program or distance education program. So we added that language, changed some cross references there. So I will pause for comment.

MS. MCARDLE: Kim.

MS. CARY: Thank you. This is mainly just a statement for those of you who will be advocating out. So it says state approval agency or state approval agencies, so it seems to me that the one we just worked on, might conflict with this one if the state approval agency is, you know, override the opportunity for us to even offer it. So just letting you know that we might want to start looking at our state approval agencies for their type of language that they have to see where it could contradict what we're trying to do here and make sure that we get those items changed as well so that there's no conflict.

MR. WASHINGTON: Beth, would you mind, oh, I see Beth is going to weigh in.

MS. DAGGETT: Hi. I believe that this language for state approval language is referring to the state approval languages that we recognize the Department recognizes and not separate state approval like what you might call an entity at each particular state. So I understand that there could be some confusion, obviously in the language, but we actually do recognize certain state approval agencies. And so I'm 95% sure of those

references to that and not to the separate state approval agencies. I think you might be thinking of.

MS. CARY: Yes, that is what I'm thinking of, at Missouri Department of Higher Education we have to go through and get different approvals there, so just making sure that if it's referring to that, that we're all each working with our own state to make those appropriate changes as well. Thank you.

MS. MCARDLE: I'm not seeing any other comments.

MR. WASHINGTON: I have a few, I have a few other examples that just so the subcommittee is fully aware of the Department's interpretation of this new added language. So if an institution's first two additional locations offer exclusively in-person instruction, if it starts additional location offers exclusively distance education and its fourth additional location offers exclusive correspondence courses, the accrediting agency will be required to evaluate under evaluate all four prison education programs. So another example would be if an institution's first two locations, if an institution first two additional locations, first PEP offers in person up the first two additional locations are offered in person and then one of the previously evaluated locations launches a second PEP via

distance education the accrediting agency is required to evaluate the PEP offered through the new method of delivery. So that's how that that's how I would end up playing those within just a few examples of how that language would play out when implemented operationally when implemented. So.

MS. MCARDLE: Still no comments.

MR. WASHINGTON: Alright, so let's take a I didn't take a temperature check on the last section, but let's start taking so let's take a temperature check on this new language and see how the subcommittee's feeling about it. So I remember we don't want to ask Vanessa to take the screen down from yesterday because there was some technical issues. And so if you would be a thumbs down or disagree or would like to see certain language changes, please raise your hand and state why.

MS. MCARDLE: Nothing.

MR. WASHINGTON: I, Vanessa, could you add a comment bubble that there are no thumbs down for this section? Thank you. Alright, well, let's move down to 668.238 that is the application requirements. So this is the application to the Department of Education itself. Here we've made some technical updates there to, you know, the changing the Bureau of Prisons and State Department of Corrections to the oversight entity and

some cross reference updates. There are two substantive two substantive changes here to highlight. We've responded to Dr. McTier's comment and you actually see it there. I've added it back to this document. So we have responded to Dr. McTier's comment, clarifying that the postsecondary institution is not required to provide reentry services if there's already a stakeholder, expert, or community based organization collaborating with the Prison Education Program for entry services. And we also added a clause to allow the Secretary to gather more information so that the more information is is number (8). So you would see such other information as the Secretary deems necessary. And so hopefully there we have responded to the subcommittee's concerns.

MS. MCARDLE: I have a comment from Stan.

DR. ANDRISSE: I am just trying to go through the document Belinda sent. I thought we had some language suggestion here? Belinda might be able to more appropriately answer that as I'm looking through the document.

MS. MCARDLE: Belinda.

DR. WHEELER: Yep, thank you. Stan, I've got it for the very next section, the best interest determination, the 668.241 and that's where a bunch of, I don't see anything here on my notes for application

requirements. Did I miss something, my friend and apologies if I did? But I'm not seeing it on my document, but if I did miss something, please definitely let me let me know I will say on the next section and I'm using it to definitely reach immediately back to this one. There's another language where it says, if applicable, other indicators pertinent to program success as determined by oversight entity. And I did flag that one, for example, where I'd said, you know, this seems a little too general, but I understand the Department's need to provide some flexibility. Could we offer some language that provides, you know, protections? I could see that potentially being a comment bubble for B(8) such other information as Secretary deems necessary. Just because it is so vague but on the document that I set last night, there was nothing in this section, Stan. But again, please feel free to correct me if I miss something, my friend.

MS. MCARDLE: No other comments.

MR. WASHINGTON: Belinda, I looked through your document as well, I didn't see any I didn't see any language change proposals here.

MS. MCARDLE: Terrell.

MR. BLOUNT: Yeah, in regard to what is a number (5) around the reentry counseling, unless I'm

reading it in the wrong tone, I'm not sure what the "If" at the beginning of the sentence indicates because I don't think it like follows through with a then or anything like that. Am I reading that wrong?

MR. WASHINGTON: Terrell, can you repeat that? I apologize.

MR. BLOUNT: For the reentry counseling, where Dr. McTier's suggestions are. I was saying that the second sentence says if reentry reentry counseling is provided by a community based organization that is partnered with the eligible PEP institution or correctional facility to provide reentry services information about the types of services that the community based organization offers. I was indicating that I don't think that the "If" is necessary unless I'm reading it wrong.

DR. ANDRISSE: There is no then, there should be an if then. I mean, the sentence doesn't, is not complete, I think is what Terrell is mentioning.

MR. WASHINGTON: Okay, so maybe we can just say then provide information after so facilities provide reentry services comma then provide information about the types of So we had then or we can just totally restructure the sentence. Essentially, we were just saying in the application to the Department of Education,

you'll have to provide information about reentry services. And then, you know, we got the comment that not all postsecondary institutions or even correctional facilities offer reentry services. Sometimes they decide to partner. And so I think that the comment was that they, the subcommittee member, felt as though the department was essentially requiring the postsecondary institution to offer reentry services, and they may not be experts in reentry services. So we were just saying that if you do partner with somebody else, you'll still have to still have to provide us with information about those services. It's just more so that that we're recognizing that we don't want to we don't want to make it appear as though we're saying that the postsecondary institution is required to offer reentry services they can partner, but they still have to provide the Department with information about, you know, about those you know about what that community organizations are going to do. And so perhaps we can put a put a comment in there about fixing the.

MR. BLOUNT: Yeah, just the grammatical fix.

MR. WASHINGTON: And also, I I'm going to propose a two minute break, just just a two minute break. And and we will reconvene at 11:32.

DR. ANDRISSE: Can we just make that a solid

five minute?

MR. WASHINGTON: Oh, okay, yeah, we can make it a solid five minutes until 11:35. And that would be the subcommittee would turn off their cameras. I see Kim and Stan's hands up. I apologize for breaking. But we will reconvene at 11:35 and then we will take our lunch break at 12:30. So if you can turn off your cameras and your microphones will return in 5 minutes.

MS. MCARDLE: 12:30 or 12:00 for lunch?

MR. WASHINGTON: We'll do 12:00 for lunch and then we'll return, I think I probably said we'll do 12:00 for lunch and return at 11:35. Thank you.

MR. WASHINGTON: Alright, and thank you all for allowing us to take a 5 minute break if we could return to the table, turn your cameras back on, please. I think I see well, people may have stepped away. I think it's just me, Belinda, Sophia right now. Dr. Dr. Paccione, hello. Do we have Terrell, Kim, Marisa?

MS. MCARDLE: I don't see them yet. Their hands are still up, though.

DR. PACCIONE: You see two, it would have been five and now five is going to be seven.

MR. WASHINGTON: I see Stan.

MS. MCARDLE: And Stan would be our first speaker, followed by Kim.

MR. WASHINGTON: I think Terrell has joined, yep. Maybe if I expand I can see other folks.

MS. MCARDLE: Aaron, let us know when you're ready and Stan can go.

MR. WASHINGTON: Yeah, let's give it one more minute. Has Marisa rejoined? I'm just looking for I don't see Marisa in. I don't see Terrell I thought I saw Terrell.

MR. BLOUNT: I'm here.

MR. WASHINGTON: Oh, Terrell's here. Alright, Terrell can you turn your camera on, please?

MR. BLOUNT: I believe it is.

MR. WASHINGTON: Oh, okay. Kim is here. Okay. Alright, we have Marisa. Alright, let's go ahead and start back. So I think we left off with Terrell, oh, sorry, sorry, I was just saying the last comment, Sophia. It was just that Terrell was recommending a language change to that reentry piece or a grammatical effects but yes, sorry, it is Stan.

MS. MCARDLE: Stan and then Kim. Stan?

DR. ANDRISSE: Sorry about that. So this language is in relation to the institution's prison education program, application must provide information satisfactory to the Secretary that includes so this is for information that must be provided by the PEP to the

Department of ED. I was wondering if there could be, so I appreciate Dr. McTier's suggestion and inclusion here, but being that reentry counseling is such a important part of helping individuals come back into society I just would want language, you know, to include that important. So, you know, somehow if we could and I'm trying to look through all my documents, which is getting really jumbled at this point but I had made a comment earlier I believe in our first time with each other back in October that there should be some type of language that encourages that if there isn't an existing partnership, you know, if we're not going to make it, you know, I would personally be for trying to make it required. I understand Dr. McTier's, you know, from a program leader himself, you know, the challenge that could present. And I also understand the challenge it could present. And if a if a program doesn't have that already in existence, then it may take them longer to get the program up and running because they have to go find that partnership. But it is an important partnership to the true success of, you know what, we're what we're looking for. So how do we reflect that in our language? And I think that maybe there could still keep Dr. McTier's but add somewhere that it is encouraged that they build that and maybe even, you know, say and I think maybe, Belinda, it's in our what we have

coming up, but give a time limit to you can you can start the program, but you have two years to build this partnership, but it is a necessary partnership to have.

MR. WASHINGTON: Vanessa, can you add a comment bubble to that? Stan, what what exactly would you.

DR. ANDRISSE: Well, I think there needs to be encouraging language that says encourage PEPs to build partnerships with reentry organizations by a set time, and I, you know, throughout the proposed time of two years. I believe just from the framework of the time that we're asking for a report on.

MR. WASHINGTON: Okay, that alright, just just to not this is not to push back at all what she said Stan, I think under in the best interest piece under (7) there is some language there about determining whether the programs offer relevant academic and career services and that includes reentry. Perhaps we can talk about what we can talk about if it would be best to be included in the encouraging language to be included in application that the school had to submit to the department, or maybe it could also be appropriate, or maybe it would be more appropriate in the best interest in the best interest section. But I mean, we can we can have the discussion maybe when we get to that piece, would that be okay?

Okay.

MS. MCARDLE: Kim.

MS. CARY: Well, thank you. So the way I would see that playing out is kind of like our third-party partnerships that we have to place on our participation agreement and report out that who are we who we're working with. And so, like Stan said, if we put a requirement on that, they have to have that relationship built within two years, for instance, then that would be a way for the Department to be able to control and make and confirm that the institutions are following through on that requirement. If we were required to list them as a third-party agency that we're that we've partnered with. And just I know on the best interests of students area in your community colleges, we are for the community, so we've built those relationships and we've created programs within our own walls that have started addressing this as a Second Chance Pell school. So I think we not only have that in our policies and procedures of what we're doing under this program, but that would so we would be doing that. But the piece within the application, I think, is important because that would confirm that schools are actually doing that piece. So that's where I would recommend that it be placed.

MR. WASHINGTON: I'm sorry. It would be placed here or in the best interest section?

MS. CARY: Well, I think it should be in both. As far as the application piece, that's where you can be assured that schools would be required to place it into their program participation agreement as a third-party partnership.

MR. WASHINGTON: Ok, thank you.

MS. MCARDLE: Belinda.

DR. WHEELER: Thank you. I'll just mention it here briefly, there is language coming up, and I appreciate both what Stanley and Kim have said here because it does seem that the subcommittee has put some good value in why making a point that was which was currently placed in the section below to also be placed here. So I'll just reference it here just for everyone's context. But in the PDF that was sent last night to the subcommittee, it's actually box comment, A 29, excuse me A 27, my apologies. A 27 and I'll just verbally say it here. But of course, we can then reference it back later. But the the language is the same or substantially similar academic and career advising services to students who are not incarcerated must be offered to students who are currently confined or incarcerated. If an educational institution needs additional resources for students in

advance of reentry and upon release, the institution is strongly encouraged to create a partnership with their applicable corrections agency and community partner/partners to provide comprehensive programming to this student body. Excuse me, let's see here, through documented collaborations, the educational institution would not be responsible for support in areas they may not have existing expertise. That, of course, should not prevent them from expanding their own programming in the future. But at least in the short term, students are 100% covered. So I just kind of verbally mention this again. It is something that I've got on the record for comment A 27 on page 6 of 12 of the Word document. But I just mention it here. Thank you.

MS. MCARDLE: Kim. Oh, alright, then, Stan.

DR. ANDRISSE: Yes, and thank you, Belinda. That's where, again, my apologies, I am struggling through the many documents, but so that is what Belinda mentioned what I wanted to point out. But additionally, instead of encourage, I think we should add the piece of required by a certain time limit. So that gives the flexibility to address Dr. McTier's concern about the challenge of starting the program for a program director. But then I think, you know, we not only I think making it required is something that that needs to be needs to be

done.

MR. WASHINGTON: Vanessa, did you capture the time putting a time limit in there yet? If not, you can just add it. I've added Belinda's. You can add it to the, Vanessa, if you can add it to the blue part? Well, it's fine right there. It's good there. You can do it there. It's fine. The time limit. And Stan, I think I think for your suggestion, it would be helpful if you could provide specific language that you like to see. Not now but.

DR. ANDRISSE: The specific language would be what Belinda has, but instead of, Belinda says in Belinda's language, it says, "strongly encouraged". I think we should, and you know, Belinda and I talked about this and I, you know, Belinda added it in one of our subsequent revisions. But you know, my point would be to instead of "strongly encouraged" to say "required by a time limit". It would, my language suggestion is exactly what Belinda has but instead of the "strongly encouraged" part to say required by X time limit and you know, I think two years is just a proposed time limit.

MR. WASHINGTON: Okay, thank you.

MS. MCARDLE: I see no other hands. Aaron?
Aaron, you're on.

MR. WASHINGTON: Sorry, I was on mute.

Alright, I apologize. So let's go to let's keep scrolling down to paragraph I think it's (c). Yeah, there's fine, Vanessa. And so for the remainder of the section we've made some technical changes and cross references and then on your screen, Vanessa if you can scroll down a little more. We've added so after the first prison education program is approved by the Department, the first two additional locations, the postsecondary institution will still be required to report subsequent prison education programs to the Department under 600.21, which we already talked about. And so we've added some clarifying language to to to outline what an institution would have to submit to the Department, and they'd have to submit that documentation with a accreditor in the state but we had to add in the highlights that the documentation had to indicate that there were no final accrediting adverse final accrediting adverse actions that were accrediting actions that were adverse the last five years to A because the statute is has a five year look back period on all negative actions for the Department. If you all remember for the accreditor and for the state. And so we added that they have to provide the documentation that there were no adverse actions within the last five years from the accreditor. And we do need to make one technical change. Vanessa, if you wouldn't mind to the end of

number (2) documentation from the institution, noting that the institution was not subject to any action by the state to revoke a license or other authority to operate. If you can just add there also in the last five years. And if you could highlight that in yellow, then the reason I'm highlighting the yellow is because it's just a change that that we just we just missed that change. So I stop there for comment.

MS. MCARDLE: And I don't see any comments.

MR. WASHINGTON: Okay. So I see we only have 10 minutes until until lunch, but I did want to I keep going because we're almost through subpart P with the exception of best interest. And I think, you know, we're going to spend the majority of the afternoon on the best interest discussion. And so I hope that, you know, for the next ten minutes, we can still continue going on and talking about other sections outside of that section. And so this is about the if the Secretary decides to limit or terminate approval of a postsecondary institution to offer a prison education program. And in the previous, we had some thumbs down here so we've added requirements for a teach-out plan and also an agreement, if applicable. And that was one of the recommendations, I believe, from Belinda. I don't have that comment bubble in here, I apologize, but I will I will add it. So we have added

that language that's highlighted the Secretary limits or terminates and institutions approval to operate the institution has to submit a teach-out plan and, if practicable, practicable teach out agreement. And we do not have the wind down language in here that Belinda had also proposed to add. And that's because under our current regulations at 668.26, if the Secretary withdraws, limits, terminates a program for participation, then for Pell purposes, the student can only receive aid until the end of that payment period that the Secretary withdraw that approval. So we already have long standing regulations that would limit that so consequently, we can't add a longer wind down period there.

MS. MCARDLE: I have a comment from Steve.

MR. FINLEY: Since Aaron was summarizing this just now to point out that we had added the reference to the teach-out plan, I guess we should ask for feedback on whether the teach-out plan should be required if the when the Department would just initiate such an action because in a lot of cases, a substantial amount of time could go by if an institution requested an administrative hearing on a termination action that could take several months to resolve. And so it's one question I would ask is whether we should consider that the teach-

out plan should be provided when such an action was initiated rather than when it takes place.

MS. MCARDLE: I see no hands.

MR. WASHINGTON: Well, I think that's something that we can probably think about over the lunch break, Steve, and maybe maybe we can circle back to it.

MS. MCARDLE: Belinda?

DR. WHEELER: Sorry, Aaron. So just for clarification. Yes, so that's a good point, so the Department is recommending that, just could you just please reiterate that the Department is recommending that that teach-out plan be available in the short term so that the students because of the time frame? Sorry. Could you just restate that? I apologize.

MR. FINLEY: Sure. I think the only change to the language it would be the teach-out plan would be provided if the Department initiated an action to limit or terminate a program.

DR. WHEELER: Yeah, no. That makes sense because I think, you know, thank you for mentioning about that time period because again, we want to make sure that the students in best interests are always served. So I think that that certainly, at least from my positionality here on the subcommittee, seems good because it is kind of having the student's best interests. I'm not sure if

other colleagues disagree or agree, but yeah.

MS. MCARDLE: No additional hands at this point. Aaron, you're on mute.

MR. WASHINGTON: Okay. Yeah, I think looking at paragraph seven, sorry paragraph the new paragraph F under section 668.236, we say it's offered by an institution that is not subject to a current initiated adverse action. And we say, if the institutions, yeah, so we do say we do say in seven we do have in regulation right now, if offered by an institution that is subject to a current initiative, adverse action if the institution currently offers one or more prison education program, it is subject to an initiated adverse action. The institution must submit a teach-out plan as defined under 34 CFR 600.2. So I wonder, Steve, can you comment on whether that language gets us there?

MR. FINLEY: Yeah, I think we just need something in 668.240 B. Maybe as a cross reference there, I mean, that's the only place where it looks like the teach out plan might not have to be provided until the limitation or termination action was complete.

MR. WASHINGTON: Gotcha. Vanessa, I see I see Elizabeth wants to weigh in.

MS. MCARDLE: Elizabeth, yes.

MR. WASHINGTON: Vanessa, can you add a

comment bubble to, well, let's add the comment bubble after Elizabeth is able to weigh in?

MS. MCARDLE: Elizabeth?

MS. DAGGETT: No, I just wanted to say that that was the exact reason you brought up Steve that we brought in the initiated adverse action with regard to accrediting agency is that when they initiate it to when it becomes final can sometimes take longer than anyone would want based on appeals processes and due process. So I would say that if the subcommittee wanted to mirror the language from the accrediting agency approval requirements, that that was the exact intent and including that there.

MS. MCARDLE: Steve, did you have anything else?

MR. FINLEY: Thanks, I just forgot my hand was still raised.

MR. WASHINGTON: So, Vanessa, you can add a comment bubble to maybe add a cross reference here to our initiated adverse action regulations proposed regulations. Add a cross reference to initiate an adverse action part. Thank you, Vanessa. Let's see. I think we have gotten through, so the next part is best interest. We do have one final part in subpart P about about the wind down. Yeah, we have one final part in subpart P. So

when we come back from lunch, it's 11:57 now. So when we come back from lunch, what we'll do is we'll spend the majority of the afternoon, of course, on the best interests of students. And but before we do that, we'll just hop. We'll just jump to 668.241. So when we come back from lunch, we'll do the transition to a prison education program. That's a really short section. We actually didn't get any thumbs down there. I don't think it'll take much time at all and then we'll dive right into the best interests determination for the remainder of the day.

MS. MCARDLE: We have a comment from Kim.

MS. CARY: And just a statement to my colleagues here, I'm going to be out for the afternoon unexpectedly and I'll do my best to make sure I'm here tomorrow, if at all possible. So I know you'll keep up the conversation and go in the right direction. Belinda has some notes for me that she's aware of. So thank you all, and I'll do my best to get back to you tomorrow.

MR. WASHINGTON: Thank you so much, Kim.

MS. CARY: Thanks.

MR. WASHINGTON: So with that said, I don't want to open up 668.241 and I definitely want to open up the best interest piece before lunch to provide the amount of time and attention that it needs. So let's end

here and we will reconvene at 1:00 p.m. I didn't take a temperature check there, I think we should do that, too. Alright.

