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From Mass Incarceration to Mass Education: Fostering Collaboration Between State Prisons and State Universities

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FROM MASS INCARCERATION TO MASS EDUCATION: FOSTERING COLLABORATION BETWEEN STATE PRISONS AND STATE UNIVERSITIES

by

Miriam Edwin

A master’s thesis submitted to the Graduate Faculty in Liberal Studies in partial fulfillment of the requirements for the degree of Master of Arts, The City University of New York

2018
From Mass Incarceration to Mass Education: 
Fostering Collaboration Between State Prisons and State Universities

by

Miriam Edwin

This manuscript has been read and accepted for the Graduate Faculty in Liberal Studies in satisfaction of the thesis requirement for the degree of Master of Arts.

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THE CITY UNIVERSITY OF NEW YORK
ABSTRACT

From Mass Incarceration to Mass Education: Fostering Collaboration Between State Prisons and State Universities

by

Miriam Edwin

Advisor: Lucia Trimbur

Despite the demonstrated effectiveness of workforce development programming overall, and college programs in particular, in reducing recidivism and increasing post-release employment, the current landscape of such programming in the New York State prison system is fragmented, disconnected from employment opportunities, and serving too few people.

Given the role of the state in creating and maintaining the structure of mass incarceration, and the history of discrimination and segregation in the country and on college campuses, the public university system has a responsibility to provide educational opportunities to disenfranchised populations. The withholding of education – via the crumbling and deteriorating public school systems in many impoverished neighborhoods, the school-to-prison pipeline, and the current dearth of carceral education programming – is effectively the modern iteration of the antebellum laws that criminalized educating African Americans. For many incarcerated individuals, educational services provided in prison are the first real chance for education that they will ever receive.

This thesis begins with a review of the impacts and benefits to various stakeholders of education and training programming in prisons, outlines a brief history of correctional education and funding sources, and then surveys the current landscape of prison-based workforce
development and college-in-prison programming. Finally, this thesis proposes a model for a comprehensive, statewide program and includes recommendations for the structure and financing of such a system.

By drawing on best practices from the few successful prison education programs in New York and around the country, the foundation for this proposed model is built upon a collaboration of the state prison system and the state’s public college and university systems. This statewide, public college-in-prison program would allow incarcerated and non-incarcerated students to participate in a new credit-bearing, degree-granting program that combines a general education foundation with in-demand labor market skills (i.e. general education requirements paired with certificate programs in a field such as welding). Classes would be co-located in the prisons so that more traditional students and incarcerated students learn together and receive the same level of instruction. This prepares incarcerated students for class (and life) outside of prison walls and gives non-incarcerated students exposure to our nation’s system of mass incarceration, as well as ensuring that the credits earned by incarcerated students transfer to any public institution of higher education upon the student’s release.
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CHAPTER 1: HISTORY AND NATIONAL LANDSCAPE

A brief history of carceral education

Most examinations of correctional education, especially those focusing on postsecondary education, use the Violent Crime Control and Law Enforcement Act of 1994 as the jumping off point, however, it is important to review the long history of correctional education that began far before this Act revoked Pell grants (federally funded, need-based tuition assistance) were for incarcerated individuals. Since the advent of jails and prisons in the United States, the intended goals of the correctional institution have shifted back and forth along a spectrum between retribution and rehabilitation depending political and public support. Even America’s first correctional facility, Walnut Street Jail, offered educational, albeit mostly moral and religious, instruction.\(^1\) As political and public support has waxed and waned, prison education programs have cycled through accompanying periods of growth and contraction.

Southern antebellum jails were dangerous in myriad ways, but they also allowed opportunities for education and the exchange of illicit information. As described by historian Susan Eva O’Donovan, “in one of those ironic twists that define so much of slavery’s history, detention behind bars could sometimes be used by the enslaved to advance their own interests in a world in which power was otherwise stacked steeply against them.”\(^2\) The chaos and overcrowding in antebellum jails often brought together people who were otherwise intentionally kept apart. In jails, slaves had the opportunity to converse with slaves from different regions and with abolitionists. These conversations enabled the sharing of information about escape routes,

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slave rebellions, and stories of freedom.\textsuperscript{3} Incarcerated abolitionists taught basic literacy skills (a crime itself because educating slaves was illegal), religious instruction, and about the shifting political winds that led up to the Civil War.\textsuperscript{4} After a jail-house education in the geography of outposts run by abolitionists, ways to survive life at sea, and methods of mutiny to wrestle control of a ship, a group of slaves who had been incarcerated together in a Richmond jail hijacked the \textit{Creole} and sailed themselves to freedom in the British Bahamas.\textsuperscript{5} While these examples do not meet typical definitions of postsecondary education, the conversations and dialogues that happened behind the bars show that, even in one of the most oppressive settings within an unjust and immoral system, people found a way to educate themselves and each other for the betterment of their lives post-incarceration.\textsuperscript{6}

During these conversations, slaves and prisoners could no longer be defined only as such; they were also students. The jail cell was transformed into a classroom, a space for the incarcerated to free their minds while their bodies were still held in captivity, both within jail and within the system of slavery. From their time of origin, the possibility existed for these places of captivity and oppression to be subverted by their occupants to better their own conditions upon release. The concept of education and the liberal arts as a means to achieve liberation, both philosophically and physically, existed in antebellum jails and continues, even if only marginally, in prisons today.

At the same time that slaves and abolitionists were educating each other in jails, the first penitentiaries and prisons were being built north of the Mason Dixon line. The correctional systems pioneered by the Quakers in Pennsylvania (which was typified by the extreme solitude

\begin{flushleft}
\textsuperscript{3} Ibid, 134-140.  \\
\textsuperscript{4} Ibid.  \\
\textsuperscript{5} Ibid, 137.  \\
\textsuperscript{6} Ibid, 139.
\end{flushleft}
believed to lead to true penitence) and in New York (which was typified by the introduction of silent work through the Auburn model) rivaled for pre-eminence in correctional philosophy and practice. Laying aside the horrific consequences of both models which helped to normalize solitary confinement, proponents of each advocated for their own version because they believed that their strategy was the best way for prisons to achieve their twin goals of reformation and rehabilitation of offenders. Despite the harshness of these systems, the corrections leaders recognized that education was key in this mission. Fifteen years after its debut, Eastern State Penitentiary in Philadelphia opened a library and hired a teacher in 1844, and three years later, New York followed suit by allowing each of its prisons to hire two teachers. In 1876, prison reformer Zebulon Brockway opened Elmira, a prison in which education was equated with reform. Elmira offered 36 vocational trades, a lecture hall used for a weekly lecture series, a prisoner-run newspaper, and courses in the liberal arts, including an English literature course, for which completion was a requirement for parole. Nearly 150 years later, the educational offerings in New York state prisons are merely a shadow of what Brockway had instituted.

Throughout the 1960s and 1970s, support for education as rehabilitation grew, and in turn, various types of correctional education -- vocational, adult basic, and behavior modification each took a turn in the spotlight – were promoted and touted as means to rehabilitate. Although, Illinois introduced the first college classes taught in prisons in 1962, it was data from Texas’ program, launched in 1965, that proved that college courses reduced recidivism. This information served as the catalyst for other states to commence postsecondary programs. By the end of the 1960s, over half of states offered college programming, and these programs received a

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7 Ibid.
8 Ibid.
10 Ibid, 93.
huge boost of financial support when the Pell grant program, a federal need-based post-secondary tuition assistance, debuted in 1972.\textsuperscript{11} In 1970, after 100 years of the National Prison Association advocating for universal prison education, New York State passed legislation requiring its Department of Corrections and Community Supervision (DOCCS) to provide each incarcerated individual with education programming that would socialize and rehabilitate.\textsuperscript{12} One year later, in 1971, dissatisfied incarcerated individuals staged a rebellion at Attica and called for, among other demands, more education.\textsuperscript{13}

Despite the successes and growth of college-in-prison programming, American sociologist Robert Martinson’s 1974 paper “What Works? Questions and Answers about Prison Reform,” sparked a “nothing works” ideology which was widely adopted by politicians in the 1980s and helped to shift correctional departments away from rehabilitative measures and towards a punitive state.\textsuperscript{14} Numerous critiques of Martinson’s data and analyses, and his own later revocation of his conclusions, did nothing to reverse the movement against providing productive programming in prisons that his paper catalyzed, and the effects are still omnipresent today. As “tough on crime” policies created exponential growth in the prison population in the 1980s and 1990s, prison officials described concerns about safety within prisons in ways that mirrored the “law and order” rhetoric outside prisons walls, and the doctrine of “control” quickly superseded “corrections” both inside and outside of prison.\textsuperscript{15} It was in this increasingly punitive environment that President Clinton signed the Violent Crime Control and Law Enforcement Act

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\textsuperscript{13} Ibid.


\textsuperscript{15} Ibid, 326-327.
of 1994 which rendered incarcerated students ineligible for Pell grants, cutting off incarcerated students from federal financial aid. The implementation of this exclusion was ideologically and politically-- not financially-- motivated; less than 1% of Pell grant funding was distributed to incarcerated students. A year after the Pell grant eligibility was revoked from incarcerated students, enrollment in college-in-prison programs plunged almost 40%. Just three years after the funding loss, less than 4% of incarcerated individuals were enrolled in college-in-prison programs. In 2011, college-in-prison enrollment hovered around 6%. This drastic reduction in correctional education has been incredibly problematic. By removing the opportunity to engage in meaningful educational pursuits, an already disenfranchised population is further handcuffed to low-wage and low-skill jobs and deprived of opportunities for socioeconomic advancement.

**Institutional and systemic racism in schools and the criminal justice system**

The immense failure (or success, depending on one’s perspective and goals) of “tough on crime” policies has had disastrous consequences for the millions of incarcerated Americans, their families, and communities. The expenditures necessary to support mass incarceration have drastically altered state budgets and state funding priorities. Despite decreases in crime rates across the nation, the incarceration rate increased nearly 50% from 1992 to 2007. This increase did not affect all Americans and communities equally: while overall, 1 in 100 American adults is

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17Ibid.


incarcerated, the ratio is 1 in 15 for African-American men and 1 in 36 for Hispanic-American men. This racial disparity is no coincidence. In fact, it is a predictable consequence of the historical and present-day policies of institutional racism which come together to create pipelines to prison, often starting in failing public schools, for low-income children of color: As Taliaferro, Pham, and Ceilinksi state, “from an early age, many youth in these spatially segregated communities experience economic and environmental injustices, underfunded and under-resourced schools, harsh school discipline policies, and exposure to crime and violence in ways that create diminished opportunities for economic and educational mobility.” At an early age, young people of color receive a clear message from society and from their schools that education is meant not for them. One of the strongest predictors of a child’s educational success is the level of education obtained by his or her mother. Society’s failure of one generation trickles down to the next so that the school-to-prison pipeline stunts the success of not only the impacted individual, but also that person’s children.

As there exists ethnic and racial disparities in the incarcerated population, so too do there exist ethnic and racial disparities in the secondary and postsecondary student population. In educational achievement rankings of advanced industrialized nations, young white American men rank second in likelihood to graduate high school while young black American men rank eleventh. The already bleak statistics for black youth high school graduation are actually

22 Ibid.
artificially inflated as mainstream measures of high school graduation and dropout rates exclude incarcerated individuals, which has led to years of data that underestimates the dropout rate for young black men by as much as 40%.\textsuperscript{26} One study estimates that 35\% of black teenage boys are forced to drop out of school due to incarceration.\textsuperscript{27} By not counting incarcerated individuals in these educational census reports, studies lauding the closing of racial achievement gaps ignore the fact that the incarceration rates of individuals without a high school diploma or equivalency are increasing.\textsuperscript{28} These reports, by rendering incarcerated individuals invisible, are obscuring the true persistence of educational inequity.\textsuperscript{29} Instead of receiving support from the educational system, many young people of color are instead being trapped by the criminal justice system.

In 2008, over half (57\%) of all 2006 high school graduates were enrolled in either 2-year or 4-year college programs.\textsuperscript{30} However, the rates vary greatly by race/ethnicity: while 78\% and 61\% of Asian and white high school graduates were enrolled in a postsecondary program two years after high school graduation, only 49\% and 46\% of black and Hispanic high school graduates were enrolled in postsecondary programs.\textsuperscript{31} This incongruence in high school graduation and postsecondary enrollment contributes to the wage gaps and continuing income inequality in America. This will lead to even larger gaps as postsecondary education becomes more essential to workforce participation, cementing the continuation of an established, permanent underclass.

\textsuperscript{26} Ibid, 24.
\textsuperscript{29} Ibid.
\textsuperscript{31} Ibid.
This lack of mobility is currently reflected in unemployment rates. In 2012, black Americans experienced unemployment at nearly twice the rate of white Americans (14.4% versus 7.4%).\textsuperscript{32} Formerly incarcerated individuals also face higher than average unemployment rates: during the 2008-2009 recession, unemployment for formerly incarcerated individuals was 65.5%, a rate that was 10 times higher than that of the general population.\textsuperscript{33} A variety of factors impact this disparity, including but not limited to: racial discrimination in hiring,\textsuperscript{34} criminal background checks as part of the hiring process, tens of thousands of state and federal laws which restrict employment and business/occupational licensing for individuals with conviction histories,\textsuperscript{35} the economic depression of the communities that formerly incarcerated individuals return to upon release,\textsuperscript{36} and the average lower levels of education completed by incarcerated individuals as compared to the general population.\textsuperscript{37} Although each of these elements, while multifaceted and inexorably linked to other societal factors, is important to address, the disparity in educational levels is one of the few factors that can be confronted more directly. Providing high quality education to individuals while they are incarcerated has been proven effective in helping formerly incarcerated individuals integrate back into society upon release and is one of


\textsuperscript{33} Ibid.

\textsuperscript{34} Quillian, L., Pager, D., Hexel, O., & Midtbøenf, A. (2017, October 10). Meta-analysis of field experiments shows no change in racial discrimination in hiring over time. \textit{Proceedings of the National Academy of Sciences of the United States of America}, 114(41), 10870-10875.


few proven and relatively inexpensive mechanisms to improve outcomes for disenfranchised populations at both the individual level (by helping individuals avoid reincarceration) and a level of civic responsibility (by providing redress for racial and socioeconomic discrimination).

**Economic and workforce needs**

Enabling incarcerated individuals to pursue college degrees will open up a source of previously untapped potential to fill gaps in the current workforce, in addition to providing valuable knowledge, skills, and credentials to incarcerated individuals to allow them to help themselves, their families, and their communities. Providing college access to those who are overrepresented in prisons and underrepresented on college campuses is critical to ameliorating the imbalances in our society, closing the racial/ethnic gaps in degree attainment and wages, and ensuring that the United States has a highly skilled workforce primed to grow and advance. A high school diploma alone is no longer sufficient to qualify a candidate for over 50% of all jobs today, and 75% of jobs in the fastest growing sectors.\(^\text{38}\) However, 41% of individuals incarcerated in New York State have not obtained the most basic credential of a high school diploma or equivalency.\(^\text{39}\)

While more jobs in the current economy require some level of postsecondary education as evidence of mastery of information and technology, decades-long cuts to vocational education and apprenticeship programs have left skilled trades employers dependent on an aging and stagnant workforce that is near retirement and there are fewer and fewer trained, younger


workers coming up the ranks. In order to meet the needs of current infrastructure projects across the nation, the United States government estimates that an additional 4.6 million workers will be needed by 2022, and that over two million of those jobs will require at least some postsecondary education or training. However, the requisite investments to train untapped sectors of the workforce, such as incarcerated individuals, and to fund the community college systems to educate the workforce, are essentially nonexistent.

The allure, bustle, and diversified markets of New York City have not immunized the city against labor shortages. The Community Service Society and Center for an Urban Future write:

> Over the long term, human capital—the skills, educational attainments, talents, and creativity of a workforce—is the single most important determinant of a community’s economic success or failure. Nowhere is this more true than in New York: virtually every industry most crucial to the city’s current and future prosperity, from finance to healthcare to information technology, relies upon a robust supply of highly educated and skilled employees. But there are reasons to fear that as the economy offers ever-greater rewards for accumulating human capital—and ever-harsher punishments for communities that fail to do so—New York is starting to fall behind. Several key industries already expect workforce shortages in the future. Employers in other sectors anticipate new challenges in

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finding qualified employees as their jobs require higher levels of skills and educational attainment.\textsuperscript{42}

As noted, formerly incarcerated individuals are often formally prohibited or intentionally sidelined from full participation in the mainstream economy. This is a disservice to those individuals as well to employers and the broader economy. Every year, approximately 70,000 New Yorkers return to the five boroughs after release from jails and prisons.\textsuperscript{43}

The lack of prison education programs to provide college-level coursework, including skills-based trades, is a huge missed opportunity to provide the requisite knowledge and credentials to thousands of returning citizens who are eager to enter the workforce and avoid re-incarceration, but first need to be given the opportunity to become educated and skilled workers.

\textbf{Benefits of correctional education}

Although there are a number of benefits to correctional education, including less violent prisons\textsuperscript{44} \textsuperscript{45} and the positive, ripple effect that parents continuing their education carries to the children of those incarcerated parents,\textsuperscript{46} the most common mechanisms used to measure the efficacy of correctional education are rates of recidivism and employment post-release. While various outcomes can be used to measure recidivism metrics (i.e. violation of parole, re-offense,

\textsuperscript{43}Ibid, 6.
re-arrest, and re-conviction), the most common criterion is re-incarceration.\textsuperscript{47} Public officials track recidivism rates because reductions in recidivism produce net benefits for society: fewer crimes committed render increases in public safety, fewer incarcerated individuals lowers corrections expenditures, and higher employment among formerly incarcerated individuals generates higher tax revenues and decreases expenditures on social welfare programs.

In terms of crime prevention, education is nearly twice as cost-effective as re-incarceration: a state investment of $1 million prevents 350 crimes if spent on incarceration while the same money invested in college-in-prison programs prevents 600 crimes.\textsuperscript{48} Over a three-year period, carceral education provides an estimated 400\% return on investment through its impact in reducing crime.\textsuperscript{49}

Recidivism and employment are often linked because individuals who are employed are much less likely to recidivate. For example, 89\% of New Yorkers who commit parole or probation violations, which often lead to re-incarceration, are unemployed at the time of their violation.\textsuperscript{50} Due to a number of the factors mentioned above regarding barriers to employment for formerly incarcerated individuals, in addition to the disqualification of many public benefits including subsidized housing, nearly 75\% of formerly incarcerated individuals are re-incarcerated within five years of their release.\textsuperscript{51}

\textsuperscript{47} Ibid, 10.
\textsuperscript{51} Taliaferro, W., Pham, D., & Cielinski, A. (2016, October). From incarceration to reentry: A look at trends, gaps, and opportunities in correctional education and training. CLASP. Retrieved from
A number of studies and meta-analyses have been conducted to investigate the effect of prison education programs on recidivism and/or employment. Prisons often offer a variety of types of educational classes: adult basic education (or literacy), high school equivalency (HSE) preparation, life skills, vocational, and college. Although many studies do not distinguish between the types of education provided, the conclusion that education reduces recidivism and increases the likelihood of employment is undeniable. A widely cited study, due to its large sample size across three states and its longitudinal nature, found a 29% reduction in long-term recidivism for individuals who participated in educational classes while incarcerated compared to those who did not participate.\textsuperscript{52} The RAND Corporation conducted a widely-cited meta-analysis of nearly 60 research papers that studied the effect of correctional education (any of the class types listed above) on recidivism and/or employment. In terms of recidivism, this meta-analysis found that “on average, inmates who participated in correctional education programs had 43 percent lower odds of recidivating than inmates who did not…. This translates into a reduction in the risk of recidivating of 13 percentage points for those who participate in correctional education programs versus those who do not.”\textsuperscript{53} In employment, the analysis found that the odds of obtaining employment post-release among inmates who participated in correctional education (either academic or vocational programs) were 13 percent higher than the odds for those who had not participated.”\textsuperscript{54} A second meta-analysis found that “participating in prison education reduces the likelihood of recidivism by approximately one-third and that those

\begin{footnotesize}
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\item \textsuperscript{54} Ibid, xvi-xvii.
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who have engaged in prison education are 24 per cent more likely to find employment than those who have not. This review demonstrated that prison education, in general, does seem to have a desired impact on both recidivism and employment.”

While all forms of prison education have been found to reduce recidivism and increase employment, college education has been found to be particularly efficacious. The National Institute of Justice designated post-secondary education (defined as academic or vocational courses requiring a high school diploma or equivalency) as an evidence-based practice which has demonstrated effectiveness via statistical significance. A study conducted in conjunction with the Indiana Department of Corrections found that the re-incarceration rate for individuals who had been incarcerated for a violent offense varied widely depending on education level; the one-year recidivism rate for those without a high school diploma or equivalent was 22.4% while it was only 9.9% for those with a college education. When the time frame was expanded to cover a two-year span, the recidivism rate for individuals without a diploma or equivalent was 43.3% while it remained under 20% for those with a college degree. These patterns of post-release recidivism were found in other offender groups (such as individuals convicted of drug, non-violent, or sex crimes), leading the study’s authors to conclude that their results “clearly indicated that offenders who had a lower level of education not

59 Ibid.
only had a higher recidivism rate, but also such uneducated (or under-educated) offenders were likely to be re-incarcerated earlier than those offenders who had a higher level of education.”

There are further cases that present objective data linking college programs within prisons to reductions in recidivism rates. For example, only 17% of released students from San Quentin’s Prison University Project have recidivated within three years of their release, with zero new commitments for violent crime, compared to a California statewide recidivism rate of approximately 65%. A college-in-prison program run by Cornell University reports recidivism rates of only 7% for students who participate in the program but complete fewer than 3 courses at time of release, and a 0% recidivism rate for students who graduate with an associate’s degree. In a society that anticipates and plans for nearly two-thirds of formerly incarcerated individuals to return to prison, an intervention with a zero percent recidivism rate is highly remarkable, and warrants further research and possibly replication.

A study undertaken by the New York DOCCS compared recidivism rates for women who enrolled in college courses while incarcerated to women who did not, and found that the recidivism rate for women who participated in college courses was significantly lower than the rate for the general population: 7.7% as compared to 29.9%. In terms of employment, two college programs in New York report extremely high post-

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60 Ibid, 24-25. 
release employment rates: about 75% of alumni of the Bard Prison Initiative are employed within 30 days of release, and 95% of the 400 Hudson Link for Higher Education alumni who have been released report employment obtainment.\textsuperscript{64} Participating in educational courses, specifically at the collegiate level, serves as a strong antidote to recidivism and acts as a propeller into the lawful workforce. Reducing time spent in prisons, either through early release or by preventing reincarceration, saves the state real money. Cost savings from the first nine years of New York’s Merit Release Program, which will be discussed in more depth in Chapter 3, totaled over $380 million.\textsuperscript{65}

In addition to the cost savings garnered by the state from individuals who are successfully able to avoid re-incarceration, providing a college education to incarcerated individuals reduces the amount of public programming, such as public assistance, upon which those individuals will need to draw and allows them to contribute more tax revenue to the state. One study found that people with a college degree require significantly less financial support from the state: they are the beneficiaries of one-fifth as much of public support services compared to individuals who did not complete high school ($83,000 in services compared to $440,000 in services).\textsuperscript{66} Additionally, a comparison of individuals with only a high school diploma or equivalency to those who

have earned a bachelor’s degree revealed that individuals with a college degree pay twice as much in taxes over the course of their lives.  

Despite the proven efficacy, access to college-in-prison programming is extremely limited nationwide and in New York in particular. A recent national survey found that just over one-third of state correctional facilities around the country provide college courses, serving only six percent of individuals incarcerated at the state level. Individuals incarcerated in New York State facilities fare ever worse. As of January 1, 2016, the New York State DOCCS held a population of 51,744 incarcerated individuals in its state correctional facilities. Nearly 60% of the incarcerated population, almost 31,000 people, hold a verified high school credential and are therefore eligible for college courses. Despite this, a mere 3.25% of the New York State prison population, just over 1,000 incarcerated individuals, are currently enrolled in college programs.

While college-in-prison programming cannot right all of the wrongs of the multi-layered causes and effects of mass incarceration, it can provide formerly incarcerated individuals access to otherwise closed-off, mainstream economic opportunities. For incarcerated individuals who were sucked into the prison pipeline at an early age, the ironic truth is that correctional education may be the first legitimate educational opportunity afforded to them, and therefore even more

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67 Ibid.
70 Ibid
crucial in enhancing their likelihood of success once released from prison, and in correcting the injustices done to them by various governmental institutions and systems. Although a system designed to oppress and deny freedom is not an ideal educational space, for some students, it is the only space. Indeed, 70% of incarcerated individuals who have obtained a high school equivalency diploma earned that diploma while they were incarcerated.\textsuperscript{72} Prison has become the de facto, primary site of education for thousands of people, especially people of color.

**The national landscape: impacts of funding cuts on programs**

Though the number of incarcerated individuals enrolled in postsecondary classes has rebounded and surpassed the pre-1994 numbers, this is due only to the large increase in the overall incarcerated population, not due to expanded availability of programming. Again, the only reason that more incarcerated individuals are receiving college educations is because of the sheer explosion in the overall prison population; it is decidedly not due to a growth in available programming. In fact, without the Pell grant funding, many correctional systems were unable to continue offering post-secondary programming at all. During the 1994-1995 school year, over 80% of correctional systems offered such programming, but three years later, just over 50% of systems were still able to offer post-secondary classes.\textsuperscript{73} Following suit, the percentage of incarcerated individuals enrolled in classes has continued to decline from 7.3% in 1994-1995 to 3.8% in 1997-1998.\textsuperscript{74} Over half of state correctional education directors stated that the elimination of Pell grants had “completely changed,” “eliminated,” or had a “very significant impact” on programming.\textsuperscript{75}


\textsuperscript{73}Tewksbury, R., Erickson, D.J., & Taylor, J.M. (2000). Opportunities lost: The consequences of eliminating Pell grant eligibility for correctional education students. *Journal of Offender Rehabilitation, 21*(1/2), 47.

\textsuperscript{74}Ibid.

\textsuperscript{75}Ibid, 49.
In the years following the near annihilation of college-in-prison programming, innovation blossomed among advocates and eventually programs rebounded, supported to varying extents by a range of alternative funding sources. However, these changes have resulted in a drastic shift towards short-term certificate classes and away from degree-granting programs.

Table 1 Percentage of correctional systems offering credential/degree\textsuperscript{76}

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Certificate</th>
<th>Associate</th>
<th>Bachelors</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-95</td>
<td>52</td>
<td>71</td>
<td>48</td>
<td>13</td>
</tr>
<tr>
<td>1995-96</td>
<td>39</td>
<td>50</td>
<td>33</td>
<td>6</td>
</tr>
<tr>
<td>1996-97</td>
<td>49</td>
<td>37</td>
<td>20</td>
<td>6</td>
</tr>
</tbody>
</table>

Although all types of post-secondary programming were offered in fewer systems immediately after the elimination of Pell grants in prisons, certificate programs were the only type to recover in just a few years and to be offered at nearly the same level as they were offered before the grant repeal, while the percentage of degree programs languished at about half of their previous levels.

By the 2003-2004 school year, vocational certificate programs enrolled over 60% of incarcerated individuals participating in postsecondary courses and accounted for over 90% of the credentials earned.\textsuperscript{77} While certificate programs can offer students valuable skills, the knowledge gained by students is generally not transferable to other fields, the certificates granted


in prison are often not industry-recognized certifications, and any credits earned are rarely transferable to other colleges or to degree programs. These certificate programs are, however, often shorter and cheaper to operate than degree-granting programs.

In order for programs to operate in a post-Pell grant era, correctional systems were forced to cobble together multiple sources of funding, including charging incarcerated individuals. By the early 2000s, funding was scarce and haphazard, leading to inconsistent programming at best, and program demise at worst. In some systems, the only available college options were paper-based correspondence courses which, with the rise of the internet, are rapidly being replaced by online courses, in which incarcerated individuals cannot enroll. Correspondence courses generally require the student to cover the entire program cost without subsidy, which is often prohibitively expensive for most incarcerated students. An associate’s degree at one of the few remaining programs, Adams State University in Colorado, totals over $11,000.78 A survey of 45 state correction educational directors found that 20 states did not offer any in-prison college programming.79 Of the 25 states which continued to operate college level-courses, state correction educational directors reported drawing on the following sources of funding, often relying on a combination of sources:

<table>
<thead>
<tr>
<th>Funding source</th>
<th>Percentage of states using funding source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-funded by incarcerated individuals</td>
<td>76</td>
</tr>
</tbody>
</table>

80 Ibid, 35.
<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal government funding</td>
<td>68</td>
</tr>
<tr>
<td>State government funding</td>
<td>40</td>
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<tr>
<td>Foundation</td>
<td>24</td>
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<tr>
<td>Corporation/organization</td>
<td>16</td>
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<tr>
<td>College/university</td>
<td>12</td>
</tr>
<tr>
<td>Prison funding</td>
<td>8</td>
</tr>
</tbody>
</table>

*Note.* Percentages total more than 100 because many states rely on multiple funding sources.

Although some federal and state funding is still available to provide post-secondary educational programming to incarcerated individuals, the amount of funding originating from each level of government has decreased. In addition to the revocation of Pell grants, the percentage of state correctional systems reporting availability of other federal funding declined from 27.3% in 1995 to 14.6% in 1998.\(^{81}\) The amount of money allocated to commonly used funding sources has also been restricted. For example, the federal Adult Basic Education Act had required that at least 10% of its funding be directed to correctional education, but when it was replaced by the Workforce Investment Act (WIA) in 1998, the new WIA legislation dictated that the 10% was now a maximum allocation, not a minimum.\(^{82}\) Similarly, prior to 1998, states were mandated to allocate at least 1% of the money they received from the Carl D. Perkins Vocational and Applied Technology Education Act for correctional education; post-1998, the 1% became a


ceiling, not a floor, for correctional programming. Also in 1998, Congress created the Incarcerated Youthful Offender (IYO) block grant program. While providing some additional funding to states for prison post-secondary education, this program restricted funding to be used only for the education of individuals who were 25 years or younger and within five years of release. Later renamed the Grants to States for Workplace and Community Transition Training for Incarcerated Individuals, the revamped version of IYO provided states more flexibility in using the funds and expanded eligibility. The new grant allowed incarcerated individuals up to 35 years old and within seven years of release to be eligible for funding, but in the face of this expansion of eligible students, funding for the grant was cut by 25% from 2008 to 2009.

While federal initiatives, such as those described above, set the tone for correctional education by allocating funding and eligibility requirements to states, each state government, and its correctional system, is responsible for setting and implementing its own post-secondary policies and funding. State governments often follow the lead of the federal government; in the wake of the Pell grant elimination for incarcerated individuals, the percentage of systems offering a state-level version of Pell declined from nearly 16% to just over 2%. Individual states rely on a variety of funding sources, and the range and depth of these sources can vary greatly by state. Some states may allocate portions of their general fund appropriations while

83 Ibid, 15.
85 Ibid.
86 Ibid.
88 Ibid.
other states create funding sources with state departments of corrections, education, or labor. Some states draw on the profits generated from providing prisoner labor to private industries, a modern day form of convict leasing, to fund educational programming. Other states rely on funds generated by incarcerated individuals’ payment for phone use or commissary purchases, which are often deposited into an “inmate welfare fund” and recycled into prison operations, such as educational programming, that benefit incarcerated individuals. While the last two sources of funding are often described as state funding, in reality, both rely on the labor or financial contribution of incarcerated individuals or their families rather than originating from state appropriations. This exploitation of prison labor will be considered further shortly.

Private funding, such as foundation funding, donations from corporations or organizations, or volunteer provided services, are common alternatives to government funding. While foundations like Doris Buffett’s Sunshine Lady Foundation, which has helped to fund numerous college-in-prison programs around the country, are certainly not apolitical, they are less likely to revoke funding because of upcoming elections or bad press. However, these donation/foundation or volunteer structured programs are inherently vulnerable because they generally rely upon a limited funding source and a handful of key volunteers or prison administrators and must be rebuilt with each new iteration. The lack of a more permanent governmental structure renders these programs subject to the whims and work of a few crucial people and therefore fundamentally fragile and unpredictable. Programs that operate this way

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91 Ibid.

92 Ibid.

cannot be relied upon to provide long-term educational opportunities in any significant or sustainable way.

In the absence of Pell grant funding, the reduction and restriction of other state and federal governmental sources of funding, incarcerated individuals and their families became primarily responsible for large portions of tuition payments. As a further burden, minimum wage and labor law protections do not exist inside prison walls. As Erisman and Contardo explain,

As of 1997, almost three-quarters of prisoners reported having a work assignment, either at the correctional facility or outside of it, but only 68 percent of these prisoners—50 percent of all prisoners—were paid for their work. Wages were typically below one dollar per hour with a median wage of 30 cents per hour, and prisoners worked, on average, 28 hours each week. At this rate, the prisoners who earned any income at all received approximately $8.40 per week or $33.60 per month.\(^\text{94}\)

In the nearly twenty years from 1997 to 2014, wages did not substantially increase. In 2014, individuals incarcerated at Attica earned 33 cents per hour.\(^\text{95}\) These slave wages reinforce the exclusion of this population from the workforce. By not compensating individuals for their work, the meaning of workforce participation becomes degraded and working becomes dissociated from self-sufficiency and civic engagement. The implicit message for incarcerated individuals is that their work is meaningless and a waste of

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time. The literal devaluation of a person’s labor also has practical consequences in that it
denies that person the ability to pay for his or her education.

Aside from the blatant exploitation of incarcerated individuals and their labor, this
so-called income is far below any amount which could conceivably pay for a college
education, even at a community college. In 2014, the cost of tuition at a State University
of New York (SUNY) community college was $4,076. Assuming the same 28-hour
work week, it would take an incarcerated individual over eight years to save the money
necessary to pay for one year of tuition, if the individual were able to save every cent
earned to fund that tuition. Aside from the absurdity of that proposition, this absolute
savings is far from possible. Although fees are lower than market rate on the outside,
many incarcerated individuals are charged room and board and required to pay for
necessities such as medical expenses, clothing, and toiletries. The fact that the majority
of incarcerated individuals are required to self-fund at least part of their college
educations, without being given a real opportunity to earn money, negatively impacts
enrollment. Although nationwide, over 40% of incarcerated individuals are eligible to
participate in post-secondary programming, only about 10% of eligible individuals
actually enroll. While studies have not been undertaken to distinguish whether non-
participation is due to non-interest or inability to pay, given the impoverished financial
status of most incarcerated individuals and their families, it reasonable to conclude that
this lack of funding, which impacts both availability of programs overall and, when

correctional education policy. Institute for Higher Education Policy. Retrieved from
98 Tewsksbury, R., Erickson, D.J., & Taylor, J.M. (2000). Opportunities lost: The consequences of eliminating Pell
grant eligibility for correctional education students. Journal of Offender Rehabilitation, 21(1/2), 48
programming is available, an individual’s inability to pay tuition, is a huge barrier to postsecondary enrollment.
CHAPTER 2: THE NEW YORK STATE LANDSCAPE

College inaccessibility inside and out

The college participation rate of eligible individuals is worse in New York state prisons than compared to national averages. Nearly 60% of the incarcerated New Yorkers are eligible\(^99\) for college courses but just over 3% are currently enrolled.\(^100\) This troubling statistic reflects a historic trend of college inaccessibility for low-income New Yorkers of color outside prison walls as well. Failing public K-12 schools and high incarceration rates have been systematically depriving low-income New Yorkers of color the opportunity to access higher education on the outside. As a result, increasing access to all education, but particularly college education, within prison walls is the only way that many disenfranchised New Yorkers will ever have the opportunity to access higher education. In New York State, between 1989 and 1998, more African Americans were sentenced to prison for drug offenses alone than graduated from the entire SUNY network of colleges and universities at all degree levels combined.\(^101\) Similarly in 1997, more than twice as many Latinx New Yorkers were sentenced to state prison for drug crimes than graduated from SUNY campuses.\(^102\) During that decade-long period, New York State increased it corrections spending ($761 million) by close to the amount that it

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\(^102\) Ibid, 8.
cut its higher education spending ($615 million). Over time, the gap has widened: from 1985 to 2000, corrections spending has increased 137% while higher education spending has decreased 25%.

In the past, the City University of New York (CUNY) has been widely perceived as an agent of social mobility for people of color and the working poor in New York City by providing free, and subsequently low-cost, access to higher education. Its enrollment data support this claim: while only 4% of CUNY’s 1966’s freshman class were students of color, by 1997 the freshman class was composed of 68% students of color. As state funding shifted away from higher education and towards corrections, CUNY and SUNY implemented tuition increases to offset the shortfall. These increases disproportionately affected low-income students of color for whom tuition costs represented a larger percentage of family income. In 1988, SUNY tuition was equivalent to 13.5% of the national white median family income, 20% of the Latinx family income, and 24% of the African American family income; by 1998, the percentages had increased to 25% for white families and 42% for Latinx and African American families. Correctional spending continues to threaten the state’s ability to support and subsidize higher education. New York State pays $69,355 to incarcerate an individual for one year in a New York, an amount that is over 10 times higher than the annual tuition for

103 Ibid, 3.
105 Ibid, 9-10.
baccalaureate degree programs at both SUNY ($6,470) and CUNY ($6,330). The cost of education is much cheaper than incarceration. Despite the fact that it is much cheaper to educate than to incarcerate, year after year, we elect to do the latter.

**A closer look inside prison walls**

Currently in New York State, DOCCS is responsible for the administration of all educational and vocational programming in prisons. However, this is not the case for college level programming which is outsourced and only available when coordinated by willing academic institutions (with the exception of a small number of correspondence courses). Although all prisons in New York are public institutions, they enjoy a level of secrecy and lack of transparency not generally provided to other public institutions. Due to the lack of information regarding specific programming and outcomes available on the NYS DOCCS website, all information and data on prison-operated classes presented here are drawn from reports published by the Correctional Association of New York (CA). CA is the only private organization in the state with unrestricted access to prisons, and each year the CA Prison Visiting Project visits a handful of men’s correctional facilities, and interviews prison administrators and staff as well as currently and formerly incarcerated individuals, to issue reports describing current prison conditions. Each of these reports includes, among other topics, qualitative and quantitative data on educational classes and training programs. Four recent reports -- describing visits and

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follow-up phone calls to Attica,\textsuperscript{111} Collins,\textsuperscript{112} Five Points,\textsuperscript{113} and Watertown\textsuperscript{114} correctional facilities-- present a consistently alarming situation in terms of availability and relevance of education and training courses in prisons throughout New York State. The data presented from all four facilities demonstrate a lack of capacity to provide education and training classes to even a fraction of incarcerated individuals in need of them. Incarcerated individuals at all four facilities expressed concern that the skills taught in the vocational training programs offered would not be relevant or useful to them upon release.

In 2014, the CA reported, “like in many DOCCS prisons, Attica lacks capacity to meet the program needs of all persons incarcerated there. Vacancies, enrollments, and waitlist have remained at similar levels to their problematic levels documents in the CA’s 2011 report.”\textsuperscript{115} Due to waitlists for educational classes that exceed the capacity by nearly 130\% and by almost 190\% for vocational programs, less than 20\% of the incarcerated population is enrolled in education, vocational, and college courses.\textsuperscript{116} To exacerbate an already atrocious situation, new vocational trades have not been brought to Attica in several years, validating incarcerated individuals’ concerns that outdated programs, such as radio and television repair, will not impart currently needed skills to

\textsuperscript{116} Ibid, 21-22.
succeed in today’s workplace. In 2014, just over 1% of the Attica population was enrolled in college or correspondence courses. Although the CA report gives no further specifics on the college programming available, it appears as though Genesee Community College was donating resources.

Collins Correctional Facility, despite having a fully staffed educational program, was providing academic classes to only one-third of its population without a high school diploma or equivalency. In terms of vocational programming, the number of individuals on the wait list exceeded the number of enrolled individuals, and participants again questioned whether the skills taught in the courses would serve them well upon their release. Additionally, prison staff reported the closing of two vocational programs due to staff shortages as well as reductions in the equipment and materials budgets which negatively impacted program operations. Although two apprenticeships were purportedly offered (Department of Labor (DOL) and National Center for Construction Education and Research (NCEER)), zero individuals had completed an internship between 2011 and 2013. A degree-granting college program had not been operational at Collins since 2000, leaving only a correspondence program for which students must pay

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117 Ibid, 23.  
118 Ibid, 22.  
121 Ibid, 10-11.  
122 Ibid, 12.  
123 Ibid.
the full costs themselves.\textsuperscript{124} Sixteen individuals (about 1.6% of the total population at Collins) were able to avail themselves of this opportunity.\textsuperscript{125}

At Five Points, less than a third of individuals without a high school diploma or equivalency were enrolled in educational programming, partially due to general lack of capacity and partially due to a 25% vacancy rate in teaching positions.\textsuperscript{126} The vocational program at Five Points, running at 92% of capacity, enrolled only 24% of its population, leaving another 22% on waiting lists.\textsuperscript{127} Again, there were widespread concerns that the vocational programs were completely disconnected from current employment opportunities as some of the program videos shown in class were nearly 20 years old.\textsuperscript{128} Although seven DOL and five NCEER apprenticeships were available, fewer than 20 individuals were able to complete these certificate programs between 2010 and 2016 because the long waiting lists for programs often prohibited individuals from remaining in the vocational course for sufficient time to complete the apprenticeship certificates in any of the DOL or NCEER trades.\textsuperscript{129} Like at Collins, staff reported significant cuts to vocational material and equipment budgets.\textsuperscript{130} From 2012 to 2016, the only on-site college program was run in conjunction with a private university which did not grant any credits or degrees for course completion.\textsuperscript{131} Despite being a dead end due to the absence of credit, serving very few people (this program enrolled less than 2.5% of the prison’s population), and providing a random assortment of courses without regard to incarcerated

\textsuperscript{124} Ibid.
\textsuperscript{125} Ibid, 27.
\textsuperscript{127} Ibid, 41.
\textsuperscript{128} Ibid, 42.
\textsuperscript{129} Ibid.
\textsuperscript{130} Ibid, 41.
\textsuperscript{131} Ibid, 40.
student interests (this program offered Calculus and History of the English Language), these private programs are not uncommon and are often misleadingly presented as adequate resources for incarcerated individuals.\textsuperscript{132} In 2016, Five Points reported that two additional colleges/universities joined this program, one of which agreed to confer degrees so that courses became credit-bearing; college enrollment increased to 3.5\%.\textsuperscript{133}

In 2013, half of Watertown’s education instructor positions were vacant, and the waiting list for education classes was nearly as long as the list of enrolled students.\textsuperscript{134} The vocational program was operating at full capacity, which met only 60\% of the need.\textsuperscript{135} Yet again, participants expressed concern about the gap between the skills being taught and the skills needed for employment on the outside.\textsuperscript{136} The prison attempted to update its computer repair program to a computer information technology class, but the class went untaught for at least a year because no teacher was hired.\textsuperscript{137} Prior to Manhattan District Attorney Vance’s Criminal Justice Investment Initiative and Governor Cuomo’s Right Priorities Initiative, which will be discussed in more depth later in this paper, there were no on-site college courses available at Watertown.\textsuperscript{138} In 2017, funds were awarded to Jefferson Community College to provide courses at Watertown and two other correctional facilities.\textsuperscript{139}

\textsuperscript{132} Ibid.
\textsuperscript{133} Ibid.
\textsuperscript{135} Ibid, 5.
\textsuperscript{136} Ibid.
\textsuperscript{137} Ibid.
\textsuperscript{138} Ibid.
The status of programming at each of the four correctional facilities highlights the gross inadequacies of the current levels of educational, vocational, and college programming in New York State prisons. As previously stated, the situations described in these four prisons are not anomalies. Despite the fact DOCCS itself states the goal of its educational programming is to help incarcerated individuals without a high school equivalency diploma to attain one, and that the department therefore requires all individuals without a verified diploma to enroll in classes until they have obtained at least a ninth grade reading and math level proficiency or a high school equivalency diploma, a 2012 survey of 22 state facilities found that less than 7% of incarcerated individuals without a diploma actually obtain one. Again, despite its own mandate of educational classes, the number of teachers authorized by DOCCS equates to 1 teacher for every 60 individuals without a high school diploma or equivalency. With an average class size of 20 students, DOCCS simply cannot reasonably expect to meet its own educational goals with such a high student-teacher ratio. It is not surprising then that, at any given time, less than 60% of individuals who have been registered for educational classes through their Recommended Program List can actually attend. Despite an average time served of five years, and a median time served of over two years, due to waiting lists, about a third of individuals in need of academic classes are never able to participate in

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142 Ibid, 12.

143 Ibid.

144 Ibid, 15.
classes while incarcerated, leaving a significant portion of the incarcerated population permanently unserved.\(^{145}\)

From 2007 to 2013, the staffing budget for Program Services (under which education and vocational programs exist) experienced the largest cuts of all staffing categories; its budget was cut by over 20% while the prison population declined by just under 11\%\(^{146}\). During this same period, the program services budget for supplies and materials was cut by nearly 60% and its equipment budget was slashed by over 70%\(^{147}\). The consequences of these budgets cuts are real. From 2000 to 2009, even before the full effects of the budget cuts had hit, the prison population fell by just under 19\% but enrollment in educational classes fell by 21\% (leading to a 28\% decline in high school equivalency diplomas earned), and enrollment in vocational programming fell by nearly 25\%.\(^{148}\) Consequently, in 2009, DOCCS was able to meet the academic needs of only 64\% of incarcerated individuals and the vocational needs of only 56\% of individuals.\(^{149}\)

Cuts in staffing, resulting in long waiting lists for both academic and vocational courses, mean that many individuals receive shortened and diminished workforce development opportunities while incarcerated, if they are able to receive any at all. Significant budget cuts in materials and supplies have further reduced the effectiveness of the remaining programming as the content cannot be updated and upgraded without accompanying resources. The full effects of these budget cuts are currently unknown as DOCCS has not released an annual education report since 2005 and the state’s Division of Criminal

\(^{145}\) Ibid, 16.
\(^{146}\) Ibid, 7.
\(^{147}\) Ibid, 9.
\(^{148}\) Ibid, 7.
\(^{149}\) Ibid, 6.
Justice Services (DCJS) last published its Crimestat report, which features data on DOCCS educational and vocational programming, in 2009.\textsuperscript{150}

As noted above, an extremely small number of individuals are able to earn nationally recognized DOL or NCCER certifications, and instead, the vast majority of individuals instead obtain only DOCCS job title certificates which are not recognized outside of the prison walls.\textsuperscript{151} Prison programming creates an additional and unnecessary barrier to employment for released individuals when it does not issue industry recognized certifications. In order to find employment, individuals are therefore forced to complete duplicate or additional training upon release which is a drain on resources of both time and money. Presenting prison-issued certificates to employers forces a formerly incarcerated job candidate to reveal an incarceration history earlier in the application process than legally required and those certificates are generally not recognized by employers anyway. This delivers a blow to formerly incarcerated individual’s confidence and morale and reinforces the anti-workforce mindset fostered in prison.

**DOCCS’ own data**

In the late 1990s and early 2000s, DOCCS conducted and published a number of studies which, like the larger, national studies described earlier, determined that completion of educational programming positively impacted outcomes for incarcerated individuals. In 2001, the department published a study which found that New Yorkers who obtain a high school equivalency diploma while incarcerated are less likely to recidivate than those who enter and exit prison without a diploma equivalency (32%...
versus 37%, a statistically significant difference).\textsuperscript{152} For individuals under the age of 21 who are even more likely to return to custody, the diploma obtainment was an even stronger antidote to recidivism: 40% who earned a diploma while in prison returned to custody as compared to 54% who did not earn a diploma.\textsuperscript{153}

DOCCS conducted a similar study in 2010 with individuals who had been released in 2005. The findings were consistent: individuals who earned a diploma while incarcerated had lower recidivism rates (31%) than those who entered prison with a diploma (37%) and those who entered and exited without a diploma (38%).\textsuperscript{154} These trends held constant for youth (defined in the more recent study as under 25) as well: young people who earned a diploma while incarcerated had lower rates of recidivism (45%) than those who entered with a diploma (50%) and those who entered and exited without a diploma (54%).\textsuperscript{155} In all instances, those with diplomas recidivate at lower rates than those without, indicating the importance of the education credential. However, those who earn the credential while incarcerated have the lowest rates, indicating that the opportunity to participate in classes while incarcerated is valuable in and of itself.

A 2007 study explored how DOCCS’ ability to meet the program needs of incarcerated individuals impacted their ability to avoid incarceration once released. The study found that, upon entry to prison, over 80% of individuals needed vocational programing, 85% needed substance abuse treatment, 67% needed academic classes and

\textsuperscript{152} New York State Department of Corrections and Community Supervision. (2001, May). Follow-up study of a sample of offenders who earned high school equivalency diplomas (GEDs) while incarcerated in DOCS. Retrieved from https://static.prisonpolicy.org/scans/ny_ged.shtml
\textsuperscript{153} Ibid.
\textsuperscript{155} Ibid.
nearly 54% needed aggression therapy; nearly 75% of individuals needed three or all four of the programs.\textsuperscript{156} For all four types of needs, two-year recidivism was lower for program completers than for those who did not complete programming.\textsuperscript{157} Seventy-three percent of individuals who completed academic or vocational programming had not been re-incarcerated two years after release compared to 65% of individuals who did not complete this type of programming.\textsuperscript{158} Despite this huge impact on recidivism, only 28% and 21% of individuals were able to complete vocational and academic programming respectively.\textsuperscript{159} The low completion rates suggest that additional resources are necessary to increase the number of people who can complete this programming during their sentences in order to be successful upon release from prison.

As mentioned previously, there has been a significant drop in published research on these topics since 2009-2010 so more recent data is not available. A 2014 report on recidivism released by DOCCS does not include any data or analysis on education or vocational programming.\textsuperscript{160} Despite its own prior research concluding the effectiveness and efficacy of program services such as education and training classes, in recent years, the state has handed debilitating funding cuts to program services in both staffing and non-personal services. These budget decisions directly undercut strategies that the state itself has deemed as best practices and effective measures in combating recidivism.


\textsuperscript{157} Ibid, 9.

\textsuperscript{158} Ibid.

\textsuperscript{159} Ibid, 7.

Private college partnerships

Given the persistent government funding cuts and the deficiencies in the state’s management of its educational programming inside prisons, private educational institutions have stepped in to fill the gaps for college level coursework. The state has essentially acquiesced and transferred responsibility for the majority of college programming to outside parties. In 2007, New York State implemented a model in which it encouraged the creation of three-pronged partnerships to include a correctional facility, a local college, and an outside funder. Although this model has supported the existence of a small number of programs, it does so without providing the full weight and support of the state. The state does not take responsibility for coordination of programs, provision of access within a facility or among facilities, funding, or quality assurance, all of which allows for disparate levels of services across the state system. This lack of ownership by the state guarantees restricted availability of programs, and it does nothing to foster system-wide program implementation. Nationwide, 68% of college-in-prison programs are sponsored by community colleges, but New York’s model relies much more on private institutions to fill this role. Two programs, a college consortium model at Bedford Hills and the Bard Prison Initiative with programs at several correctional institutions, serve as exemplars of private programming.

In 1994, as a direct consequence of the Pell grant exclusion of incarcerated individuals and subsequent loss of funding, Mercy College terminated what had been a

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highly successful program for the previous ten years at Bedford Hills Correctional Facility.\textsuperscript{164} Both incarcerated individuals and staff reported that the closure of the program not only restricted educational opportunities for the incarcerated individuals but also negatively impacted the broader environment of the prison in terms of discipline and morale.\textsuperscript{165} In 1996, a group of women incarcerated at the facility, who would soon become the Inmate Committee, approached the prison’s Superintendent and Deputy Superintendent of Programs to discuss ways to restore the college program.\textsuperscript{166} This small group was able to rally support and build a Task Force with members representing various facets and interests: prison administrators and staff, incarcerated individuals, local government officials, members of the clergy, and members of the academic community at a number of local colleges and universities.\textsuperscript{167} Through the work of this task force, a “consortium of colleges” model was proposed in which one academic institution, Marymount Manhattan College in this instance, would serve as the degree granting institution while other colleges and universities would provide courses leading to that degree.\textsuperscript{168} A baccalaureate degree program in sociology was launched in 1997, and by 2001, there were 14 nonprofit academic institutions providing a range of support services to the consortium; however, only one of these schools was a public institution.\textsuperscript{169}


\textsuperscript{165} Ibid.

\textsuperscript{166} Ibid.

\textsuperscript{167} Ibid.

\textsuperscript{168} Ibid.

\textsuperscript{169} Ibid.
From its inception up through 2011, over 100 degrees were conferred and the program serves about 200 women at Bedford Hills each year.\textsuperscript{170}

Even proponents of this model concede that, although private funding was crucial in launching a program in the wake of drastic public funding cuts, a program model such as this one that is almost entirely dependent upon the goodwill and donated resources of private academic institutions and funding from individuals and foundations, is fragile and vulnerable.\textsuperscript{171} Without a stable flow of at least some governmental funding, many similarly funded programs have since ceased to operate or are at risk of doing so, especially those which are not located in communities like Westchester County, a wealthy suburb of New York City that is home to a large to a number of academic institutions and concerned citizens with progressive ideals.\textsuperscript{172} Despite the success of this program, its supporters conclude that, given the unlikelihood of the restoration of significant federal funding for college-in-prison programming, state funding and support is essential.\textsuperscript{173}

One of the most widely lauded, researched, and replicated college-in-prison programs is the Bard Prison Initiative (BPI). BPI offered its first degree-granting courses behind prison walls in 2001 and now operates satellite campuses at six prisons (five at men’s facilities, one at a women’s facility) throughout New York State serving 300 incarcerated students per year.\textsuperscript{174} BPI’s mission and philosophy are “to replicate the academic principles, methods, and expectations continuously developed by the college in

\textsuperscript{171} Ibid, 38.
\textsuperscript{172} Ibid, 38-39.
\textsuperscript{173} Ibid.
its main, conventional campus, and to present these challenges to *all* of our students, regardless of who they are or where they study.”175 This replication of an elite liberal arts college begins with the annual admissions process: all applicants are required to write a timed essay; 40 of the 100 applicants from each satellite prison campus are selected for in-person interviews; and 15 individuals are selected to join the incoming class.176 All degrees offered are fields in the liberal arts and, just like their un-incarcerated peers, incarcerated students must declare majors through a portfolio process, and all bachelor’s degree candidates must complete a thesis.177 Only one satellite campus, a men’s maximum security prison, offers bachelor’s degrees and two of the other men’s facilities that offer associate’s degrees serve as feeder schools to the bachelor’s program; an associate’s degree is the only program offered at the women’s correctional facility so incarcerated women must wait until release to pursue a bachelor’s degree.178

The $2.7 million operating budget of BPI, funded entirely by private money (individual donations and foundation grants), pays for the costs of all educational materials (e.g. books, tapes, computers), small stipends for teaching faculty, and a re-entry program for released alumni living in New York City.179 With an annual student enrollment of 300 people, the $9,000 average per student price tag is higher than the standard public university education, but falls far below the usual costs of both an elite liberal arts college and the annual cost of incarcerating a person, while bringing

176 Ibid, x.
179 Ibid, 135.
considerable economic benefits to its students and the state. BPI reports that once released back to the community, the recidivism rate is about 4% for program participants and the rate drops to 2% for degree earners. The organization cites a post-release employment rate between 65-80% for program graduates. Unfortunately, there is not a limitless amount of private, philanthropic funding available to create and sustain such programming at a sufficient level within and among state prisons, and the exclusivity of the application process does not allow for system-wide scaling up.

BPI’s model relies on its cache and stature. Daniel Karpowitz, a program director and early leader of BPI, notes the importance of “prestige, financial power, and political resilience” in sustaining these programs.

It is that the prestige of wealthier and more selective institutions is more disruptive inside the prison…. The financial power of these universities is important because it enables them to meet prison and other state officials with a greater degree of independence. Not being on reliant on the prison foremost or all of their funding, they are in a better place to negotiate terms that serve the independence of their faculty and the best interests of their students. Their political resilience is essential in making them more attractive for some officials to partner with and harder to expel once the college and university is established inside. The in-prison programs created by such universities, which are often

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181 Ibid, 17.
182 Ibid, 168.
“anchor institutions” in their city or region, can survive the ups and downs of political temper that might otherwise quickly kill public-sector projects. While private programs like Bard’s fill a niche and provide remarkable services to a select group of students, this model does not fulfill the public responsibility to students and is not scalable to serve as a viable model to reduce the inequity and inequality in our society and to and prepare the majority of incarcerated individuals for their eventual release. Ellen Condliffe Lagemann, a BPI Distinguished Fellow explains, “Bard would not be the best option for all who apply. While it is very unfortunate that alternatives are not available in most of the prisons where Bard operates, it would not make sense to admit students who do not appear able to rise to the academic challenges…. The stakes are high; if applicants do not win a seat ‘in Bard’, there is usually no alternative colleges to which they can apply. They can, however, reapply to Bard the next year, and many do, with some having applied as many as eight times before gaining entrance.” The exclusivity of Bard’s model replicates parts of the higher education divide that exist on the outside.

When a program like Bard’s is the only one available, access to higher education has not been meaningfully improved. I am not arguing to discontinue programs such as BPI, but it is important to recognize that relying primarily on private and exclusive programs will not remediate the ways society has failed to provide educational opportunities to incarcerated individuals prior to their custody, will not provide adequate opportunities to prepare individuals in custody for their release, and will not provide the

necessary skills training to prepare formerly incarcerated individuals for the in-demand sectors of the workforce.

**The public responsibility**

Karpowitz of BPI, has reflected, "both the college and the prison emerged at the dawn of American society and, in each successive generation, have helped define the democracy's enduring conflicts over public and private power, the belief in change, and inequality.….

Regardless of whether or not we have ‘college in prison,’ the two institutions share parallel roles in the production of American privilege and inequality."\(^{185}\) Given the role of the state in creating and maintaining the structure of mass incarceration, and the history of discrimination and segregation in the country and on college campuses, the public university system is the appropriate actor to help facilitate the dismantling of the unjust and racist structure of society in general, and of which mass incarceration is a key element. In fact, more than just being an appropriate facilitator, the state and the state’s universities have an obligation to act as such, and failure to do so renders the institutions continually complicit in this system of oppression and discrimination.\(^{186}\)

Public universities in general, and community colleges in particular, already often carry mission statements dedicated to serving all constituents in their communities, with special regard to marginalized and underserved groups. Instead of viewing forays into prison education as an opportunity for a special project or volunteer work as many private colleges do, state universities and community colleges should, as part of their obligation to the common good,

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view higher education programs in prison as a key part of their overall education and community engagement strategy and as an opportunity to adapt enrollment strategies targeting nontraditional (off-campus) students, instead of a small service opportunity for a few instructors. A participatory model of education shifts familiar ways of identifying and differentiating teaching and service and helps reconsider how colleges understand their relationship to community publics.\textsuperscript{187}

As noted previously, the majority (over two-thirds) of college-in-prison programs are run in conjunction with community colleges, not private institutions, but these programs are still not operating at full scale to serve enough students. Community colleges often have a history broadening educational access to marginalized groups and non-traditional students so incarcerated students present a huge opportunity to continue that tradition and fulfill the mission.\textsuperscript{188} Community college students comprise nearly half of the country’s college students and they are more likely to be older, people of color, and attending part time due to other commitments, a profile that encapsulates many currently incarcerated individuals and formerly incarcerated individuals who continue their educations upon release.\textsuperscript{189} The mission statements of both CUNY and SUNY reflect this dedication to diversity and equal access (emphases added):

The mission of The City University of New York, embodied in state education law, Article 125, Section 6201, as the finding and intent of the New York State Legislature, states in part: “The Legislature’s intent is that The City University be


\textsuperscript{188} Ibid.

supported as an independent and integrated system of higher education on the assumption that the University will continue to maintain and expand its commitment to academic excellence and to the provision of equal access and opportunity for students, faculty and staff from all ethnic and racial groups and from both sexes. The City University is of vital importance as a vehicle for the upward mobility of the disadvantaged in the City of New York.\textsuperscript{190}

The mission of the state university system shall be to provide to the people of New York educational services of the highest quality, with\textit{ the broadest possible access, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs} including such additional activities in pursuit of these objectives as are necessary or customary. These services and activities shall be offered through a geographically distributed comprehensive system of\textit{ diverse campuses} which shall have differentiated and designated missions designed to provide a comprehensive program of higher education, to\textit{ meet the needs of both traditional and non-traditional students and to address local, regional and state needs and goals}…… Promotes appropriate\textit{ program articulation between its state-operated institutions and its community colleges} as well as\textit{ encourages regional networks and cooperative relationships with other educational and cultural institutions for the purpose of better fulfilling its mission of education, research and service}.\textsuperscript{191}

\textsuperscript{190} CUNY. (2018).\textit{ Mission & history}. Retrieved from http://www2.cuny.edu/about/history/
\textsuperscript{191} SUNY. (2018).\textit{ Mission statement}. Retrieved from https://www.suny.edu/about/mission/
Despite the stark racial disparities in incarceration rates that verify mass incarceration as a civil rights issue, many colleges and universities nationwide do not perceive the inclusion of currently or formerly incarcerated students as part of their diversity mandates.\textsuperscript{192} In fact, they operate in the exact opposite manner by screening out formerly incarcerated students with questions about arrest and conviction histories during the application process.\textsuperscript{193} These invasive questions deter formerly incarcerated students from completing the application process and unnecessarily prohibit them from attending school. In this regard, New York’s public institutions of higher education are ahead of the curve. In 2016, SUNY joined CUNY in “banning the box” that requires student applicants to disclose felony convictions during the first stages of the application process.\textsuperscript{194, 195} Although this is a positive step, this merely represents a commitment to not unduly discriminate against people for past convictions for which they have already paid their debts to society. Notably, the decisions to ban the box were not accompanied by any scaling up of services inside correctional facilities or community outreach to serve soon-to-be released or recently released individuals.

\textsuperscript{193} Ibid, 498.
CHAPTER 3: DOCCSUNY MODEL

DOCCSUNY

The following model describes a comprehensive, state-supported, workforce development-focused system in which DOCCS and SUNY/CUNY collaborate in order to provide full-fledged college degree programs in every prison. This new degree-granting program would be formed by fostering partnerships between each state correctional facility and the SUNY/CUNY school(s) located near it. The below map (Figure 1) indicates the locations of all state prisons, state universities, and city universities, proving the geographic feasibility of these partnerships.

Figure 1 Map of DOCCS facilities and CUNY/SUNY campuses
The degrees would combine vocational hard skills with academic skills. The vocational certificates offered should be selected based on labor market information and a consideration of both currently operating and recently closed vocational programs offered at each prison in an attempt to capitalize on existing resources, shops, and labs. In order to obtain a degree, the student would need to successfully complete both an industry-recognized certification for an in-demand job as well as the basic foundational educational courses which would allow the degree earner to transfer to any SUNY/CUNY school to continue his or her studies. Each class, while taught in the prison, would be composed of students from the nearby SUNY/CUNY school as well as from the correctional facility so that all classes include both incarcerated non-incarcerated students. While the full system I am envisioning does not yet exist, there are many models around the country which provide examples of best practices in terms of collaboration, funding, and structure which will be discussed in more detail shortly. The following image (Figure 2) highlights each of the main components of this proposed integrated model.
Figure 2 Program Model
The foundation of this model is a statewide partnership that creates a community college campus within every state prison. The initial stages of a DOCCS, SUNY, and CUNY partnership are underway through the Manhattan District Attorney Cyrus Vance’s Criminal Justice Investment Initiative College-in-Prison Reentry Program.\(^\text{196}\) The partnerships fostered during this small-scale program could provide a strong foundation to build upon in implementing a statewide system. Although more conservative members of the state’s legislature have opposed similar initiatives in the past, Governor Cuomo appears to remain committed to providing educational access in prisons and is working closely with Vance’s office on the current project.\(^\text{197}\) While this initiative is a minor scale-up, it establishes a framework for extensive collaboration and memoranda of understanding between the three bureaucracies, which is a crucial first step for establishing the coordination necessary to operate a comprehensive statewide model.

The political winds are shifting and now is the right time to advocate for increased access to public higher education for every New Yorker in a state correctional facility. At the federal level, “college for all” became a rallying cry during Bernie Sander’s 2016 presidential campaign and although the Trump administration’s efforts, spearheaded by Attorney General Jeff Sessions, fall in line with the punitive “law and order” approach to criminal justice, members of both political parties and their supporters have acknowledged the unsustainable nature of the exorbitant costs of the nation’s prison system. A bipartisan initiative is underway in Congress


that could include the reinstatement of Pell grants for incarcerated students as part of the reauthorization of the Higher Education Act.\textsuperscript{198} Though the reinstatement of Pell funding would be an absolute gamechanger, this model does not rely on federal action and instead finds its footing in the more welcoming New York City and State infrastructure.

At the state level, support for expanded “college for all,” including incarcerated students as demonstrated by Cuomo’s support of the Vance initiative, is also on the rise. Governor Cuomo recently debuted the Excelsior Scholarship, an initiative to render higher education more affordable, and thus more accessible, to low- and middle-income New Yorkers. Although this scholarship is not specifically intended to finance the educations of incarcerated individuals, and information about their eligibility, or lack thereof, for the scholarship is not readily available, one could safely assume that the vast majority of incarcerated individuals would meet the qualifications, which will be described in more depth in the funding section.

Additionally, two items in DOCCS Commissioner Annucci’s recent 2018-2019 budget testimony attest to a general openness, if not direct support, for expanded access and support to education. In his statement, the Commissioner acknowledges the value of education as both a re-entry tool and a cost savings mechanism. Specifically, Commissioner Annucci announced that “the budget will build upon proven re-entry initiatives with an expansion of the Merit Time and Limited Credit Time Allowance (LCTA) statutes, as well as a pilot to place up to 100 LCTA eligible inmates into education release and work release.”\textsuperscript{199} Utilizing Merit Time as a means of incentivization and cost savings funding for this model will be discussed more shortly. Also


mentioned in Commissioner Annucci’s testimony is that DOCCS has agreed to provide each person under its custody with a free tablet that can be enabled with education material, eBooks, and a secure email system.\textsuperscript{200} Depending the type of internet access and resources allowed, these tablets have the potential to be extremely useful tools in providing high quality access to higher education in state prisons by opening up opportunities for incarcerated students to email professors and other students, conduct research, write essays, and participate in online modules or hybrid classes.

The key components for a successful model, listed below, will each be discussed in more detail throughout this chapter:

- Coordinated, statewide programming offered through a SUNY/CUNY/DOCCS integrated partnership
- State funding
- Degree-granting curricula combining basic academic fundamentals with in-demand hard skill certifications
- Classes comprising incarcerated and non-incarcerated students together
- Incentivization for students resulting in cost savings for New York State

\textbf{Models for comprehensive, state-supported programming}

This implementation of this proposed model would require the cooperation of multiple large governmental agencies. Although bureaucracies are not generally known for their efficiency and innovation, there are signals that college-in-prison programming is a rising priority for these agencies. Through DA Vance’s Criminal Justice Investment Initiative College-in-Prison Reentry Program pilot mentioned previously, various facets of SUNY (two community

\textsuperscript{200} Ibid, 2.
college campuses) and CUNY (the Prisoner Reentry Institute and the Institute for State and Local Governance) will be working together in the coming years to offer programming in prisons and to coordinate the project and provide technical support. Seven schools (five private and two SUNY) were awarded $7.3 million in funding over five years to serve 2,500 students, all of whom must be within five years of release, at 17 correctional facilities around the state. This program will bring the percentage of incarcerated New Yorkers accessing college programming up to approximately 7% but will still not provide widespread college access to eligible individuals in all 54 state correctional facilities. This funding is scheduled to run over five years, but there does not appear to be a more permanent funding source or a plan to expand into more prisons. Additionally, SUNY/CUNY “will oversee the education providers' reentry planning and offer technical assistance as needed; align course requirements across and develop articulation/transfer agreements between funded colleges; develop standards for prison education curricula in New York State; and exchange best practices and lessons learned among the education providers.” The partnerships fostered during this small-scale program could provide a strong foundation to build upon in implementing a statewide system.

In order to launch a fully functioning statewide system, the prisons and universities will need to work together very closely in order for the program to operate smoothly. The importance of a well-coordinated system with strong articulation agreements cannot be overstated. The United States Department of Education explains:

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202 Ibid
203 Ibid
In general, however, the more decentralized the partnership is between prisons and community colleges, the more likely that course work may not articulate from one college to the next or be recognized by business and industry. Several states, for example, reported for the purposes of this study that the vocational programs offered by community colleges to inmates currently do not articulate with the same programs offered to nonincarcerated students. Moreover, since most correctional education services must be offered on-site rather than through distance education, the absence of a statewide articulation agreement can create transfer issues for inmates. Inmates often are transferred from one facility to another for security and prerelease reasons and therefore may be unable to continue the course or program in which they were previously enrolled. A similar transfer issue can develop when inmates are released from prison because their hometown is generally not the same town where they were incarcerated and enrolled in college courses.\textsuperscript{204}

Many robust state educational programs, such as Texas’ Windham School District, created agreements with their state corrections department that allow for delays of facility transfers for students enrolled in classes until the completion of the course to minimize disruptions resulting in course withdrawals.\textsuperscript{205} North Carolina’s legislature created a financial incentive for the university and the corrections department to minimize such disruptions; instead of allocating funding by class roster numbers or enrollment hours, colleges are reimbursed by attendance


\textsuperscript{205} Ibid, 23.
contact hours and are not reimbursed for students who have withdrawn.\textsuperscript{206} Cooperation from DOCCS and articulation agreements among the SUNY and CUNY schools, and therefore among the schools within the prisons, would enable students who are transferred, ideally between and not during semesters, to continue their course of study in the general education curriculum at any facility. Instituting a similar policy is necessary so that students do not become demoralized by interruptions and so costs do not needlessly increase as a result of students needing to re-enroll in the same class multiple times in order to complete the coursework. The lack of such an agreement jeopardizes the ability to effectively utilize grant funding and the consequences would unnecessarily increase costs to taxpayers, incarcerated individuals, and their families.

Texas launched the first statewide prison education system,\textsuperscript{207} the Windham School District, in 1969 and it remains the largest in the country today.\textsuperscript{208} As such, it provides a model for comprehensive statewide implementation and state agency collaboration. Windham’s goals reflect the research on the positive effects of correctional education: “Reduce recidivism; reduce the cost of confinement or imprisonment; increase the success of former inmates in obtaining and maintaining employment; and provide incentives to inmates to behave in positive ways during confinement or imprisonment.”\textsuperscript{209} While professors from over fifteen community colleges teach courses at over 100 prisons, the main focus for the school district is not college programming; it is basic education, high school equivalency, vocational training.\textsuperscript{210} Much of the funding is allocated from the Texas Department of Education and is used to offer non-collegiate courses,
leaving incarcerated students ultimately responsible for the bulk of their tuition.\textsuperscript{211} Students who qualify for IYO grants can take three courses tuition-free, while the state covers the cost of one course each semester for older students.\textsuperscript{212} Any additional courses for students, regardless of age, must be eventually paid for by the student upon his or her release.\textsuperscript{213} Repayment is made a condition of parole, and although Windham School District administrators state that nonpayment is not enforced as the sole reason for re-incarceration, it is considered a parole violation.\textsuperscript{214} While Texas’ model has the benefit of not requiring students to pay for tuition while incarcerated, it is highly problematic to connect future freedom with the repayment of these debts. Furthermore, the fear of parole revocation may discourage many students from participating. While the education received will help released individuals obtain employment, given the barriers discussed earlier, securing employment in general, and particularly employment with wages high enough to provide discretionary income to repay loans, may take a significant amount of time and unduly jeopardize students’ freedom. Requiring the repayment of loans at the risk of parole revocation is a dangerous framework and precedent.

North Carolina’s model provides another framework for state agency collaboration and funding. In 1987, a law was passed in North Carolina which included a regulation requiring the Department of Corrections to work in conjunction with the State Board of Community Colleges to provide a range of academic programming (e.g. literacy classes, vocational training, and college courses).\textsuperscript{215} The legislation’s drafters anticipated many of the downfalls of today’s haphazard system and required that courses taught on the inside be of the same quality as those

\textsuperscript{212} Ibid.
\textsuperscript{213} Ibid.
\textsuperscript{214} Ibid.
on the outside and that all classes offered must be applicable towards a degree.\textsuperscript{216} This legislation has resulted in professors from 49 of the state’s 50 community colleges teaching in 80 prisons, facilitating the participation of approximately one-third of incarcerated individuals in courses.\textsuperscript{217}

In terms of funding, community colleges receive the same per-student funding from the state for all students—incarcerated or not—so no cost is passed along to the incarcerated individual.\textsuperscript{218} Colleges receive this funding as a reimbursement the year after the services are provided so in order to cover the costs of all incarcerated students without charging them directly, the Department of Corrections has allocated some of its own budget to help cover the first year costs. To further defray costs, it also obtains tuition waivers, utilizes inmate welfare funds, and applies for federal IYO funding for those who qualify.\textsuperscript{219} By emulating North Carolina and not distinguishing between incarcerated and non-incarcerated students in the Excelsior scholarship application process, New York can also provide access to higher education to all of its qualified and interested residents.

While these centralized systems and coordinated agencies provide significantly expanded access to education in prison, specific nuances of each of these systems prevents them from fully recognizing the goals of widespread access to collegiate level education. More specifically, access in Texas is disparate across the system and too many classes provided in North Carolina remain at the pre-college or non-credit level. In Texas, non-credit bearing vocational certificates are available at 13 facilities, credit-bearing vocational programs are available in 31 prisons, associate degree programs are offered in 37 facilities, and bachelor degree programs are

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\textsuperscript{216} Ibid.
\textsuperscript{217} Ibid.
\textsuperscript{219} Ibid, 17-18.
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available at only four prisons.\footnote{Ibid, 20.} Despite the relative widespread availability of credit-bearing and degree granting programs in Texas, relatively few people take advantage of them. This could be due to differing commitments to education in the different facilities and/or the fact that students must repay costs upon release. Despite incarcerating nearly four-and-a-half times as many people in state prisons as North Carolina (about 157,000 people as compared to about 35,500 people),\footnote{The Sentencing Project. (2017). \textit{State-by-state data}. Retrieved from \url{https://www.sentencingproject.org/the-facts/#map}} the raw number of total certificates/degrees issued in Texas is about half of that in North Carolina (3,639 as compared to 7,600).\footnote{The United States Department of Education. (2009, March). \textit{Partnerships between community colleges and prisons: Providing workforce development education and training to reduce recidivism.} Retrieved from \url{https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/prison-cc-partnerships_2009.pdf}, 12.} Associate/bachelor’s degrees accounted for 13% of certifications and credit-bearing vocational certificates accounted for 47% of all certificates, meaning that about 40% of overall certificates earned in Texan prisons were still not credit-bearing. In North Carolina, despite conditions of the legislation, the postsecondary programming that is available is mostly non-credit bearing: in 2006, 79.4% of certificates earned were noncredit vocational certificates, around 19.3% were credit-bearing vocational certificates, and only 1.3% were associate’s or bachelor’s degrees.\footnote{Ibid, 20.} The emphasis on short-term vocational certification over college-level, degree-granting programming reflects the programmatic shifts that took place in the wake of Pell grant ineligibility, as previously discussed.

The expanded education access at prisons in both Texas and North Carolina is highly commendable and provides a blueprint for New York State officials to learn how to foster collaboration between administrators at DOCCS and at CUNY/SUNY. A centralized model like North Carolina’s is crucial to ensure that individuals at all facilities have access to all types of programming. Texas’ model has focused on recruiting the best colleges for these partnerships to
help bring more credit-bearing courses to its prison campuses (60% credit-bearing in Texas as compared to 20% in North Carolina). Importantly, New York can also learn from the limitations of these programs. Although Texas’ system is statewide, it is not centralized in the same manner as North Carolina’s so the availability of programming depends, to some extent, on the commitment of leadership at each prison.\textsuperscript{224} By combining the responsibilities for providing all workforce development programming to a single provider, but maintaining the sharp boundaries between postsecondary vocational courses and college courses, degree-granting programs have been sidelined in both state systems. As will be discussed more shortly, instead of accentuating the distinction between educational and vocational programs, this proposed model would instead marry them, rendering the distinctions negligible.

Similar to New York, in New Mexico, pre-college academic classes and vocational courses are provided on-site by the Corrections Department rather than community colleges. Best practices from New Mexico’s vocational training model include their mandate that: all instructors hold national certifications in their fields, all programs must end with a credential or prepare students to pass a credentialing exam, and that programming must be geared toward careers in in-demand fields within the state’s job market that also pay above the state’s minimum wage.\textsuperscript{225} New Mexico provides a different and unique model for its college-level programming: a centralized, state system in which incarcerated individuals at any facility can participate in college classes for free, but all classes are taught via distance learning on a closed-circuit internet connection. There are no on-site classes taught in-person, which eliminates the opportunity for students to build positive relationships and practice constructive communication skills with

\textsuperscript{224} Ibid, 12.
teachers and other students, but the distance learning models does allow students to remain enrolled in courses even if they are transferred among facilities mid-semester.226

The New Mexico Corrections Department has partnered with three academic institutions to provide associate’s, bachelor’s, and master’s degrees, with the associate of arts in general studies being the most popular degree earned.227 Because that degree equates to the core curriculum for a bachelor’s degree, students are able to easily enroll in any public university to continue their studies upon release.228 This type of coordination and articulation agreement is vital for a productive and effective program that encourages formerly incarcerated students to continue their educations upon release. I could not find any indication that New York has explored distance-learning technology-based programming, and an exploration of feasibility for that kind of programming is not possible here due to space limitations. It is interesting to note that, as mentioned earlier, New York State, in partnership with a private company, JPay, plans to provide every incarcerated individual in state prisons with a tablet.229 While it remains to be seen how this program is implemented in New York and what resources are made available to incarcerated individuals through these tables (and at what supplemental cost), this initiative potentially provides a platform for increased and easier access to educational and research materials.

Indiana’s system provides a model of best practice for effective program development, state agency collaboration, and employer engagement. Indiana state law mandates that the state’s Department of Corrections, the Department of Workforce Development, and the Department of

226 Ibid.
227 Ibid.
228 Ibid.
Education work in partnership to provide educational services for incarcerated people. This creates the framework to increase the likelihood that education and training programs are pedagogically sound, rooted in industry standards, and aligned to labor market needs. As a result, the WorkINdiana initiative provides incarcerated individuals with training programs designed to help them obtain nationally- and industry- recognized credentials. The trainings are focused around in-demand fields in Indiana (e.g. manufacturing, production, and food service) and are taught by certified specialists in those fields. In order to ensure that the training provided is likely to result in viable employment, Indiana launched the Hoosier Initiative for Re-Entry (HIRE) program in 2012 to engage employers and assist in job placement for individuals upon release. In the span of time from January to July 2017, over 1,000 returning citizens were placed in jobs with an average wage of over $11; for comparison, Indiana's minimum wage is still $7.25. The three-month job retention stands at nearly 98% even though almost 80% of participants had been incarcerated for violent assault, theft, or drug offenses-- convictions which typically bring more barriers to obtaining and maintaining employment and lead to higher recidivism rates. The program has found more success with individuals who have obtained higher levels of education, indicating that the pairing of education with skills training is important. The benefits of this pairing will be discussed more shortly, but Indiana’s collaborative model has resulted in a successful pathway to gainful employment and proven that, regardless of past convictions, given the opportunity, formerly incarcerated individuals will contribute to society in a productive manner.

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231 Ibid.
232 Ibid.
233 Ibid.
Funding

There are numerous ways to fund statewide college-in-prison programming which, based on the potential cost savings and increased tax revenues of a fully established program, is likely to eventually pay for itself as well as cover the cost of other state expenditures. The model utilized by North Carolina, as described above, in which community colleges receive the same per-student funding from the state for all students—incarcerated or not—is a way to offset costs to the prisons and generate a steady flow of resources to local community colleges. Currently, in New York, incarcerated individuals are prohibited from qualifying for the state’s version of Pell grants, the Tuition Assistance Program (TAP) but, receiving TAP is not a pre-requisite to qualify for the Governor’s newly launched Excelsior Scholarship. The Excelsior Scholarship provides a funding source which would allow for a broad expansion of programming. Eligible adult students must earn less than $125,000 per year, be residents of New York State, attend a two- or four-year degree program at SUNY/CUNY, enroll in 30 credits per calendar year, and plan to live and work post-graduation in New York State for a length of time equivalent to the amount of time they were receiving the scholarship. As discussed earlier, the vast majority of incarcerated individuals and their families are living in poverty and therefore earn significantly less than $125,000 per year. Although many incarcerated students work on the inside, they are earning cents per hour. Additionally, incarcerated students are unrestricted from family obligations and other barriers that often prevent adults from attending school full-time, so they are more likely than other nontraditional students to be able to meet the full-time course load.

requirement. Many incarcerated individuals are prohibited from leaving the state for many years, due to either the length of their sentences or parole restrictions. Therefore, virtually all incarcerated people would meet the scholarship qualifications as listed, unless the state places unnecessary restrictions on this grant as it has TAP.

By leveraging existing resources, such as utilizing the vocational shops established in prisons and the curricula developed by university faculty, this model can minimize additional costs—other than those expenditures inherently necessary in providing more access to more students—and perhaps reduce some overhead costs to both the prisons and the universities. Any additional costs would quickly be recovered by the cost savings of early release and lowered recidivism.

**Inside and outside students as peers**

For this model to possess real academic value, it is crucial that college in prison classes maintain a high level of academic rigor. The Consortium of the Liberal Arts in Prison, created and led by New York’s own Bard Prison Initiative, requires that all participating colleges “adhere to the principle that men and women in prison should be offered the same challenging liberal arts experience that students enrolled at the nation’s best colleges are offered. Their course work is rigorous and on par with that of the sponsoring institution.”\(^{237}\) One way to ensure this consistency in courses is to have non-incarcerated students (“outside students”) attend class with incarcerated students (“inside students”) at the prison.

Many programs, such as Philadelphia’s Inside Out Prison Exchange Program\(^ {238} \) or John Jay’s Prison to College Pipeline,\(^ {239} \) have either semester-long courses or standalone workshops

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in which “inside students” and “outside students” learn together. This model posits that, rather than co-locating just one or two classes, all classes necessary for degree completion will be offered in the prisons and will consist of both inside and outside students. This ensures that incarcerated students can complete a full degree while inside, and that more traditional students and incarcerated students learn together and receive the same level of instruction. Content and expectations would not be “dumbed down” for incarcerated students as studies have shown that incarcerated students are fully capable of completing high quality work. Additionally, incarcerated students who wish to transfer to traditional campuses upon release will have obtained the same knowledge and skills as their peers.

This setting provides the opportunity for a perspective change for both groups. The outside students gain a new understanding of mass incarceration, systemic racism, and discrimination. The relationships built during the sessions humanize incarcerated people and outside students who have participated in classes inside have reflected that the experience led them to overcome prejudices and realize that their counterpart peers are “not monsters,” “no better or worse than anyone else… just as smart or smarter than I am.” The inside students are provided with an opportunity to stay connected to the outside world through these interactions


241 Although part of the goal is to increase exposure and awareness of mass incarceration to outside students, not all outside students will be willing or able to attend classes at a prison. Proper security clearances must be obtained, prejudices and fears must be overcome, and community college students, who are often balancing school with jobs and family responsibilities, may not have the extra time necessary for the commute to and security line at the prison. If a community college generally offers five sections of English 101 each semester, perhaps the college will need to offer eight sections to accommodate the additional incarcerated students, and consequently six of those sections would be taught at the prison to both inside and outside students. Sections of every course taught inside would always still be available at the home campus to ensure that the education of home campus students is not unduly disrupted. However, outside students would be encouraged to take at least a few classes at the prison campus.

with outside students and faculty. This helps incarcerated individuals in “combating feelings of separation from normal life and loneliness many in prison feel.” This also helps inside students foster the communication and conflict resolution skills that are the unwritten rules and norms outside of prison. Inside students have remarked on the significance of learning how to disagree and express oneself without getting angry or shutting down, and the importance of this skill in a successful life upon release. These combined classes will help prepare incarcerated students for class (and life) outside of prison walls and will proved non-incarcerated students with a deeper understanding of our nation’s system of mass incarceration and the disastrous consequences for people entrapped by such a system.

**Academic curriculum**

One basic tenet of this proposed model, the combination of in-demand labor market skills with a general education foundation, is based on and adapted from best practices of existing programs, many of which were outlined previously. In addition to providing students with a well-rounded education, this combination of academic programming with vocational skills is crucial because financial aid cannot be applied to certificate programs, the outside programs which most closely resemble vocational classes inside. By combining the two curricula into a single degree program, tuition-based financial aid can be applied to the programs. This increases community student enrollment and the grant funding that accompanies each student, which in turn increases overall funding for community colleges. This also saves money for the prisons because it helps to offset the costs of the vocational programs already in existence.

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The CUNY Common Core Pathways is the basic set of general education courses that all students are required to pass in order to earn most CUNY associate’s and bachelor’s degrees.\textsuperscript{245} As such, articulation agreements for these core classes already exist between all CUNY campuses.\textsuperscript{246} SUNY’s General Education Requirements are mandatory for Bachelor degree candidates only (not Associate degrees),\textsuperscript{247} yet there is still significant overlap between the SUNY and CUNY core course lists, rendering an articulation agreement between the two systems theoretically easy to achieve. A statewide set of general education requirements exists in New Mexico, as described previously, and also in Michigan. In Michigan, the state grants a General Transfer Certificate (GTC) which recognizes the completion of general education requirements by awarding thirty credits toward an Associate’s degree at any Michigan state university or community college.\textsuperscript{248} Completion of CUNY’s Common Core Pathways, like the Michigan GTC or the courses in New Mexico, would allow incarcerated individuals to easily transfer earned credits to any public college or university—upstate or downstate—upon release, or within the prison system if transferred.

This proposed combination of general education requirements and hard skills training, like welding, into a single degree program provides formerly incarcerated people multiple options post-release. Regardless of field of study, all incarcerated individuals transferring to an outside college will need to pass the same basic education requirements so students participating in this program model will gain the academic foundation and credits to transfer to any city/state

\textsuperscript{245} The City University of New York. (2017). General Education Requirements. Retrieved from http://www2.cuny.edu/about/administration/offices/undergraduate-studies/pathways/gened/

\textsuperscript{246} Ibid.


public institution of higher education and to enter any field of study. If students are not interested in continuing with higher education, they will have also obtained concrete in-demand job skills that can be used immediately. Given the highly controlled prison environment, many incarcerated individuals have been stripped of decision-making opportunities for years, so this level of agency in making decisions for their own future is particularly important for citizens returning home.

Furthermore, this convergence of education and training occurs naturally in the workplace and employers are beginning to recognize the value that employees with a range of assets bring to their teams. College for America writes:

As we’ve shifted to a knowledge-based economy, the clear lines between the worlds of training and education are blurring, and both educators and employers need to recognize the shift. Traditionally, training has been concerned with specific skills and shorter time frames. For example, how to program a CNC machine, or how to handle specific types of customer interactions. Education, on the other hand, has been more about teaching someone a broad set of skills — such as critical thinking, researching and presenting information, and other traditionally “soft” skills — that are transferable across a variety of fields. Education and training historically come from very different places. Education was meant to teach the upper classes to be well-rounded leaders, whereas training was learned through apprenticeships to guilds. Until recently, education was focused on imparting knowledge; training was focused on teaching specific skills. But in today’s economy, the skills that workers need to be trained in are of a higher order than ever before, therefore requiring more time to teach. Meanwhile, education can
do a better job of recognizing that students need to be able to apply their
knowledge if they want to thrive in the workforce. Put another way, education
must be more practical and training must be more advanced. Employers and
educators need to come together to meet the needs created by this. 249

Research shows that employers are simultaneously seeking candidates with specific technical
skills such as “installation” and “equipment maintenance” that come from a vocational training
background, while also looking for those candidates to possess skills such “learning strategies”
and “instructing,”250 which are more often taught as part of a general education or liberal arts
curriculum. In fact, “research from job market analytics company Burning Glass found that
liberal arts students who coupled their degrees with technical skills had nearly double the number
of jobs available to them than those with only liberal arts degrees.”251 The pairing of critical
analytic skills with labor market in-demand skills provides a fighting chance to individuals who
already face numerous barriers to employment.

Let’s consider a local example in New York. There is a huge need for welders both
upstate and downstate. Due to the decimation of apprenticeship programs and
vocational/technical education high school programs, employers are hard-pressed to find
properly trained tradespeople such as welders.252 The need is growing increasingly dire as much
of the current welding workforce is rapidly approaching retirement and there are no younger
workers to take over. Many Brooklyn-based welding companies have moved upstate where there
are more welding training programs and therefore more trained welders.253 In an effort to remain

249 College for America. (2017, November 1). The difference between training and education, and why employers
need both. Retrieved from https://collegeforamerica.org/difference-between-training-education/
250 Ibid.
251 Ibid.
253 Ibid
in their established communities, a number of small businesses reached out to the Brooklyn Chamber of Commerce and created a small pilot training program to train local residents for these jobs.\footnote{Fischer, B. (2007, February 15). Justice renewed? Criminal justice in the Spitzer era. Retrieved from http://www.ibrooklyn.com/resources/employee-recruitment-training/brooklyn-metal-partnership}

According to DOCCS, sixteen prisons already operate welding vocational training programs.\footnote{New York State Department of Corrections and Community Supervision. (n.d). Education (vocational) programs. Retrieved from http://www.doccs.ny.gov/ProgramServices/vocational.html} By utilizing the vocational shops that already exist, the prisons can serve as a resource to the colleges and enable the offering of classes not available on home campuses. Through this proposed model, an incarcerated individual, or a student at the partner CUNY/SUNY campus, could complete an Associate’s degree in Welding Technology, accompanied by certification from the American Welding Society paired with either a NYS or NYC Welding License, and core academic classes. Students would complete all 30 credits of the CUNY Pathways Required and Flexible Common Core (e.g., English Composition, Mathematical and Quantitative Reasoning, Life and Physical Science, World Cultures and Global Issues, Creative Expression)\footnote{The City University of New York. (2017). General Education Requirements. Retrieved from http://www2.cuny.edu/about/administration/offices/undergraduate-studies/pathways/gened/} and all requirements to demonstrate skills and knowledge for hard skills certification (e.g., 34 credits from Mohawk Valley’s certificate program which cover topics such as oxy-acetylene welding procedures, theory and use of electric arc welding, Tungsten Inert Gas welding, and Gas Metallic Arc welding, and preparation for certifications from New York State and the American Welding Society).\footnote{Mohawk Valley Community College. (2017). Certificate programs: Welding. Retrieved from https://www.mvcc.edu/academic-programs/certificates/welding} Upon release, this college graduate could enter directly into a living wage job (earning $35,000-65,000 per year)\footnote{Mohawk Valley Community College. (2017). Welding certificate career coach. Retrieved from https://mvcc.emsiicc.com/programs/welding-certificate/193283} in one of the

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many open positions in small businesses in Brooklyn or elsewhere in the state, or this graduate could transfer to any public Bachelor’s program in the state.

Additionally, by fostering employer partner relationships with business both upstate and downstate, this initiative improves hiring outlooks for both previously incarcerated individuals and for local employers. As demonstrated by Indiana’s HIRE program discussed earlier, workforce development focused programs with strong employer engagement are effective at increasing job retention, which is beneficial to both the formerly incarcerated employee and to the employer.259 Because the Indiana program has found that individuals with higher levels of education are more successful, this pairing of higher education with skills training is crucially important.260 Using Indiana’s success as a model, the hard skills portion of this proposed degree would be selected and adapted based on changing labor market trends as well as employer partner relationships in the locality of the prison, the partner college/university, and New York City (since over 60% of previously incarcerated individuals return home to the five boroughs or the immediately surrounding counties of Long Island).261

Incentivization and cost savings

An important component of the program is the incentivization of enrollment and completion by offering sentence reductions to incarcerated students. In a survey of over 2,000 people incarcerated in federal prisons, while other incentives such as increased visiting time and additional phone minutes were popular, sentence reduction was the most favored motivator for programming participation: 97% of incarcerated individuals--nearly every single person surveyed--said they would be willing to participate in programs if doing so would allow them to

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260 Ibid
261 http://www.doccs.ny.gov/Commissioner/Speeches/newschool.html
reduce their terms of incarceration. In addition to providing external motivation for students to graduate, incentivization of degree completion increases the likelihood that graduates will obtain employment and not recidivate upon release, and it provides substantial cost savings to DOCCS, New York state, and taxpayers.

New York State already has a system in place, merit time, that awards sentence reduction for the completion of “significant programmatic objectives,” and the Commissioner has recently stated that an expansion of this program is a budget priority. New York State began its merit release program in late 1997 and a summary report examining the first nine years of the program found that it generated an estimated $384 million in savings for the state. This savings includes $369 million in operational savings plus $15 million in construction avoidance costs. These cost savings were calculated when the cost of incarcerating an individual in New York State was $29,000 per year. Given the cost of incarcerating an individual today is nearly 2.5 times that amount, the cost savings today would be closer to $1 billion ($960 million).

Individuals released early due to merit release recidivated at lower rates than comparison groups: 11% as compared to 18% for all releasees within one year, and 23% as compared to 31%

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266 Ibid.
within two years.\textsuperscript{268} The report does not specify the particular programs completed by individuals in order to become eligible for merit release, but since previous studies have shown college programming to be more effective than most other programming in reducing recidivism, and since college programming was not widely available during the time span under review, it reasonable to assume that the results of expanded merit release due to college degree completion would be even more impressive.

In recognition of the fact that individuals who complete education programs are more likely to get jobs and less likely to recidivate, Indiana allows individuals to earn anywhere from six months (completion of literacy, life skills, HSE, or vocational classes) to one year (Associate degree) to two years (Bachelor degree) off of their sentences.\textsuperscript{269} The sentence reductions and program completions from just the 2008-2009 school year allowed for over one million days of reduced sentences, saving the state of Indiana an estimated $68 million in housing costs alone (excluding costs savings from reduced recidivism).\textsuperscript{270} Again, given that, at $69,355 per person, New York State has one of the highest costs of incarceration per individual in the United States,\textsuperscript{271} the potential for cost savings in housing alone is monumental.

**Conclusion**

By reimagining the composition of an Associate’s degree to better meet the needs of the employers and incarcerated individuals as future employees, and by leveraging various state resources, a comprehensive statewide partnership between the state prison system and the state

\textsuperscript{268} Ibid, iii.


\textsuperscript{270} Ibid.

and city university systems has the potential to drastically improve the lives of tens of thousands of incarcerated New Yorkers, their families and communities, while also generating economic benefits for the state, public colleges and universities, local employers, and all New York residents. In addition to the short-term and long-term financial savings (e.g. lowered housing and construction costs for prisons) and gains (e.g. higher wages for families and more tax revenue for the state), there are less concrete and quantitative reasons for supporting college-in-prison programming that are no less vital to the maintenance of an equitable and just society.

One study described that as students became more thoughtful in their interactions and better able to express themselves without violent language or actions, the culture of the entire prison shifted away from the traditional “prisoner code” towards a safer and more positive environment.²⁷² The “prisoner code” often reflects the survival mentality that many incarcerated individuals adopt as a coping mechanism to manage the everyday crises of poverty and systemic discrimination. College programs offer students the opportunity to learn new strategies and tactics and help students develop more prosocial behaviors and attitudes which they bring home with them to their households and communities upon release. A description from the researchers who evaluated the Bedford Hills program discussed earlier mirrors the language – “ironic twists” -- used to describe the informal education programs during the antebellum period:

> It was sobering to hear, from youth, one of the bitter ironies of this study. Prison has become a place for intellectual, emotional and social growth for some women. A space free of male-violence, drugs and overwhelming responsibilities, college-

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in-prison carves out a space which nurtures a kind of growth and maturity that would perhaps not have been realized on the outside.\textsuperscript{273}

The growth and maturity fostered on the inside stay with the students after they are released. Strong communities are built by strong community members. One study found that women who attend college and obtain degrees while incarcerated serve as role models for their children who consequently fare better in school and are more likely to attend college themselves.\textsuperscript{274} The parent’s success has a generational impact that can help disrupt the school-to-prison pipeline and increase the percentage of black and Hispanic college students.

The withholding of education – via the crumbling and deteriorating public school systems in many impoverished neighborhoods, the school-to-prison pipeline, and the current dearth of carceral education programming – is effectively the modern iteration of the antebellum laws that criminalized educating African Americans. For many incarcerated individuals, educational services provided in prison are the first real chance for education that they will ever receive. Due to the centuries-long history of denying education, among other rights, to marginalized groups, rather than being seen as the plight of an individual incarcerated person in need of charity for tuition, the provision and funding of college-in-prison programs is an issue of justice for disenfranchised populations as a whole, and therefore should be provided and paid for by the government.\textsuperscript{275}

Expanding access to educational programming has the potential to drastically cut prison expenditures while increasing tax revenue collected from gainfully employed formerly


\textsuperscript{274} Ibid, 27.

incarcerated people. Formerly incarcerated individuals who are employed are able to better support their families and communities, diminishing the need for reliance on government benefits and reducing second and third generation poverty. The quality of life and financial stability improvements due to reductions in re-incarceration and increases in employment have the potential to transform life for thousands of New Yorkers, and especially residents of New York City’s “million-dollar blocks,” who have been particularly negatively impacted by mass incarceration. In 2003, Brooklyn was home to 35 blocks in which the incarceration costs for residents of each block exceeded $1 million.  

Although dilapidated housing projects and extremely high rates of poverty and unemployment are the norm on these blocks, the public investment in these areas has been shifted to building and staffing prisons upstate, leaving a decaying civic infrastructure in its wake. Post-release, when individuals return home to communities like million-dollar blocks, they re-enter what sociologist Loïc Wacquant has termed a “closed opportunity structure,” a society not eager to offer second chances and a home community that has been stripped of the resources necessary to provide a safe and stable life. Access to education allows incarcerated individuals the chance to crack open that currently closed opportunity structure by obtaining skills and a degree, credentials that are crucial to securing employment and working towards self-sufficiency for themselves, their families, and building up their communities. Given the damage we have inflicted on these members and communities of our society, we owe them nothing less.

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