

# FOCUS *on Education for the Formerly Incarcerated*

## SREB

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Estimates say that nearly 30 percent of adults in the United States have a criminal record — roughly 65 million individuals. While not all of them have served a jail or prison sentence, they nonetheless face barriers to gainful employment due to the stigma of a record, as well as generally lower levels of education and job training.

The overall educational attainment of inmates and the formerly incarcerated is considerably below that of the general population — especially at the postsecondary level. In 2004, about half of the nation's adults had at least some college education — but less than 20 percent of state and federal prisoners did.

SREB's *Challenge to Lead* Goals for Education call for improving two- and four-year degree and postsecondary certificate completion rates. This *Focus* report looks at adults with criminal records as an underserved population who might benefit greatly from educational services, as would the states where they live.

## The link between education and recidivism

An estimated 2.3 million people were in jail or prison in 2009, in addition to 4.2 million probationers and more than 800,000 parolees, according to the federal Bureau of Justice Statistics. The vast majority of the incarcerated will be released at some point and will face the challenges of re-entering society without many of the skills they need to lead lives as law-abiding citizens. Many are unprepared for a wage-earning job, which makes those individuals more likely to commit subsequent crimes.

Research has shown that nearly two-thirds of inmates return to prison within three years of their release. In addition to the burden that incarceration and criminal records place on individuals and their communities, incarceration places a fiscal burden on states as corrections costs spiral upward. As states look to alleviate these burdens, education can be an important tool in their policy arsenals.

Numerous studies have shown the link between improving inmates' education and reducing rates of recidivism (returning to incarceration):

- A 2008 study by the North Carolina Sentencing and Policy Advisory Commission showed that having at least 12 years of education lowered the likelihood that an inmate would be re-arrested.
- A 2006 study of Colorado's community corrections program (designed as an intermediate level of corrections between probation and prison) found that individuals with a high school

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education or greater were significantly more likely to succeed both in the program and upon release into the community.

- A 2003 study of inmates released over a six-year period in Florida found that a higher level of education was a major factor in lowering recidivism rates.
- Studies in multiple states — including Arizona, Florida, Maryland, Oklahoma and Utah — found that prisoners who participated in education programs in prison had lower recidivism rates than non-participants.

The challenge for states is that few individuals released from prison currently participate in post-release education programs. Studies have identified a variety of barriers to participation, including:

- low levels of knowledge among the formerly incarcerated of the educational programs available in their communities.
- demands that compete with and take precedence over education, such as earning income, obtaining adequate housing, overcoming substance abuse issues or fulfilling supervision requirements.
- lack of access to suitable education programming.

## Multiple barriers to education

For some former inmates, the most immediate impediment to continuing their education after release is the *lack of a high school diploma*. While more than four-fifths of the general population holds a high school diploma or equivalent, only about two-thirds of state and federal prisoners have a similar level of education. Adult Basic Education and GED programs are available in most state prisons (and are nearly universal in federal prisons), but the disparity in educational attainment between prisoners and the general population points to a continuing need for the availability of these programs both during and after incarceration.

Among SREB states, North Carolina has been at the forefront of providing *in-prison education*. Through a collaboration with the North Carolina Community College System, the state's Department of Corrections has provided educational services to inmates at all of its correctional facilities for more than 30 years. Programs offered include basic skills instruction to help inmates achieve their GED certificates, employability-readiness training, and vocational education courses that either provide specific skill instruction (for inmates with shorter sentences or who lack basic education) or allow inmates to obtain transferable semester-hour credits. State support provides the community college system with per student funding at the same rate, regardless of whether students are inmates or traditional community college students.

For individuals who wish to pursue their postsecondary educations after incarceration, however, significant *legal barriers* exist in the form of restrictions on student financial aid. The highest profile restriction is the suspension of federal financial aid program eligibility for students who are convicted (under federal or state law) for the possession or sale of illegal drugs. Depending on the offense and whether the student has a prior drug conviction, the length of a student's ineligibility under the law can range from one year to indefinitely. (See Table 1). The law does, however, contain provisions for early reinstatement for students who complete a drug rehabilitation program or whose convictions are reversed.

Table 1  
**Length of Student Ineligibility for Federal Financial Aid  
 Due to Drug-Related Criminal Convictions**

	Drug Possession	Drug Sales
First Offense	One year	Two years
Second Offense	Two years	Indefinite
Third Offense	Indefinite	Indefinite

Source: U.S. Code Title 20, 1091(r).

Enacted with the reauthorization of the federal Higher Education Act in 1998 and first applied with the 2000-2001 school year, the law originally applied to drug convictions occurring at any time. The law was revised in 2006 to apply only to convictions for possession or sales of drugs that occurred while the student was receiving federal aid. Between the law's initial application in 2000 and its revision in 2006, an estimated 180,000 to 190,000 students were denied eligibility for federal student aid under the law.

No newer statistics are available measuring the law's impact since its revision in 2006. However, concern over the law and its singling out of drug offenders (as opposed to those who commit other criminal violations) remains; the FBI reported more than 1.6 million drug-related arrests in 2009 alone. Furthermore, numerous studies have shown that members of minority groups, particularly African-Americans (already an underrepresented population in postsecondary education) are arrested for drug-related offenses at disproportionate rates.

Several SREB states also place *limitations on state-level financial aid* based on criminal convictions, drug-related offenses, or both. These limitations range from outright program ineligibility for any individuals with felony convictions (such as Inspire and SEED scholarships in Delaware, Bright Futures scholarships in Florida, TOPS Scholarships in Louisiana and the TEXAS Grant) to provisions that mirror the federal provisions on drug-related offenses (HOPE scholarships in Georgia and Education Lottery Scholarships in Tennessee), to more vague provisions requiring that students refrain from the use of illegal drugs (Academic Challenge Scholarships in Arkansas, state-level financial aid in Maryland, and the Oklahoma Higher Learning Access Program or OHLAP).

It is unclear how many students have lost or have been denied eligibility under these state provisions. However, the same concerns over federal drug offense restrictions on financial aid — the large number of drug-related arrests every year and their disproportionate impact on members of minority groups — also apply to state-level restrictions on financial aid for drug offenders. Furthermore, an outright ban on financial aid for convicted felons is likely a significant roadblock for formerly incarcerated individuals who are trying to reform their lives and become productive, upstanding citizens by obtaining a college education.

Table 2  
**Drug- and Crime-Related Restrictions  
on State-Level Financial Aid in SREB States**

Alabama	GO! Opportunities Grants and Academic Challenge Scholarships require students to “certify that they are drug-free and ... pledge ... to refrain from the use or abuse of illegal substances.”
Delaware	Inspire scholarships and SEED scholarships are prohibited for students with felony convictions.
Florida	Awards under the Bright Futures program are prohibited for students with felony convictions.
Georgia	A felony drug conviction while enrolled makes a student ineligible for student aid until the end of the following term; the student is suspended from school for that term.
Kentucky	The KEES program prohibits awards to convicted felons only for GED holders and those who graduated from noncertified private high schools (primarily home schools).
Louisiana	TOPS Scholarships are prohibited for students with criminal convictions except misdemeanor traffic offenses.
Maryland	Recipients of state financial aid must sign a statement pledging to remain drug-free.
Oklahoma	OHLAP eligibility requires that students “refrain from substance abuse ... commission of crimes or delinquent acts.”
South Carolina	LIFE, HOPE and Palmetto Fellows scholarships are prohibited for students with felony convictions, or second (or subsequent) misdemeanor alcohol or drug convictions in the prior year.
Tennessee	Education Lottery Scholarships require “compliance with federal drug-free rules and laws for receiving financial assistance.”
Texas	TEXAS Grants and Texas Educational Opportunity Grants are prohibited for convicted felons or anyone convicted under the Texas Controlled Substances Act.

Note: States not listed do not have state-level laws or regulations prohibiting financial assistance for students with criminal convictions.

Sources: State laws and regulations.

## Re-entry programs in SREB states and others

Re-entry programs are designed to help individuals released from prison transition back into society and lead stable lives. Services typically provided in these programs include counseling, education, substance abuse treatment, employment skill development and job placement. Many re-entry programs actually begin providing services prior to release and continue those services as offenders are reintegrated into their communities. Successful re-entry programs have displayed lower recidivism rates among program participants than among similar individuals who do not participate.

In 2005, then-Governor of Florida Jeb Bush established the Governor's Ex-Offender Task Force for the purpose of improving state efforts to assist the re-entry of ex-offenders into their communities and to reduce the incidence of recidivism among those individuals. The task force's recommendations were released in 2006; as a result, the Florida Department of Corrections in 2008 established the Florida Re-Entry Advisory Council. The council is implementing a "coordinated systems approach to offender re-entry" through a five-year Recidivism Reduction Strategic Plan (for 2009-2014). While the council's education focus is primarily on in-prison education, the goal of providing integrated re-entry services for those released from prison (and thereby reducing recidivism rates) includes forming partnerships with local job training and educational organizations.

In 2009, North Carolina established an ex-offenders task force through executive order. The North Carolina Department of Justice's StreetSafe task force (which includes members from law enforcement, the court system, government, business, education, and civic and faith-based volunteer groups) is working to identify the difficulties faced by those with criminal histories and find solutions to those problems. StreetSafe then will oversee the implementation of those solutions as a means to reduce recidivism and provide ex-offenders with training and discipline "to stay away from crime and work toward employment and self-sufficiency."

Four SREB states — Georgia, Kentucky, Tennessee and Texas — are participants in the Transition from Prison to Community (TPC) initiative, a joint project of the federal Department of Justice's National Institute of Corrections, the Center for Effective Public Policy and the Urban Institute. Parts of the initiative include: an integrated process through each stage of a person's incarceration or sentence that is designed to facilitate successful re-entry; assuring that transitioning offenders are provided basic survival resources before, during and after they are released from prison; and the involvement of public, private and community non-correctional organizations that can provide services and support as re-entry efforts are planned and implemented.

Georgia (which was accepted as a TPC participant in 2004 along with seven other states) included vocational education as a key component of its initiative, known as the Georgia Re-entry Impact Project. Kentucky, Tennessee and Texas were selected in 2009, along with three non-SREB states, to participate in the second round of TPC implementation; initiatives in those states currently are under development.

Across the nation, there are other re-entry initiatives that operate on a local scale, many of which include an educational component. Some notable examples include:

- **College Initiative** — a New York City re-entry services program specifically designed to help the formerly incarcerated enroll in and complete college and become gainfully employed. Proclaiming that education "should be a primary response to the practice of mass incarceration," the initiative has provided orientation, counseling, college-preparation, mentoring, tutoring and financial assistance services for nearly 10 years.
- **Maryland Re-Entry Partnership Initiative** — located in Baltimore and run by a coalition of city and state agencies, as well as local community development and nonprofit organizations. The initiative (currently in the pilot phase) targets juvenile and youth offenders in certain zip codes who are transitioning from incarceration to the community. It provides comprehensive, case-managed

services including substance abuse and mental health treatment, transitional housing assistance, faith-based interventions, work force development, educational services, vocational training, life skills training, employment assistance and victim-impact training. An independent cost-benefit analysis found that the program is “generally successful” in reducing recidivism and provided approximately \$3 in benefits for every \$1 in costs.

- **The Safer Foundation** — headquartered in Chicago and providing a variety of re-entry services for adult and youth offenders at multiple locations in Illinois. Education services include adult literacy and GED preparation services, GED and job-readiness training services for offenders ages 16 to 21, and pre- and post-release job training and placement services provided by community college instructors. Of those released from state incarceration in 2005, program participants showed far lower rates of recidivism over a three-year period (approximately 20 percent) than that of the entire population (more than 50 percent).

## In summary

Crime, incarceration and recidivism are deeply rooted societal problems that have neither a single cause nor a single solution. **However, extending educational opportunities to those who are at some stage in the criminal justice system may help divert them from criminal behavior and into a more responsible, productive lifestyle.** This benefits those individuals while reducing the costs to society from crime and incarceration; furthermore, it holds the promise of reducing the need for expensive, punitive correctional systems.

This approach to criminal justice reform requires policy-makers to dedicate themselves to finding and implementing solutions that will serve a marginalized and often difficult-to-reach population. It will be challenging, but research clearly has demonstrated that improving education holds the power to improve the lives of all state residents, including those with criminal records.

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