



The Benefit of Higher Ed in TX Prisons Criminal Justice Project Issue Brief (February 2023)

INTRODUCTION¹

At any given time, more than 120,000 people are incarcerated in Texas Department of Criminal Justice (TDCJ) facilities (est. 122,000 as of Dec. 2020).² Tens of thousands of people are released each year, either on parole or having completed their sentences. Within three years, more than one in five people will be re-incarcerated, at a rate that makes TDCJ a national leader, even by its own statistics.³ This record of high recidivism reflects not criminal behavior per se, but rather an inescapable nexus of poverty, societal abandonment, and criminalization. This combination of intractable social issues consistently fails thousands of Texans, their families, and their communities. Upending this pattern of incarceration and re-incarceration requires greater interventions of investment and coordination than have been previously mustered on behalf of persons re-entering society after incarceration. Importantly, these interventions must take place *throughout* each person's incarceration and thereafter, not merely leading up to his or her release.

A significant factor to solve recidivism is postsecondary educational programming in TDCJ facilities. All but abandoned in state prisons nationwide for more than a quarter century, college-in-prison programs are primed to make a comeback following recent, bipartisan changes in federal law. The efficacy of in-prison educational programs is well-documented: numerous academic studies link college-in-prison programs to significant reductions in recidivism; improved employment opportunities and wages post-release; as well as improved safety and stability within carceral facilities. The tools are now in place for Texas to become a leader in educational rehabilitation. To effectuate educational programming, the State must overcome a set of governance and coordination challenges to ensure that newly created programs are properly designed, operated, and evaluated.

KEY FACTS

- **Educational rehabilitation works.** A meta-analysis conducted by the RAND Corporation found that persons enrolled in correctional education programs were 43% less likely to recidivate; put another way, recidivism risk was reduced by 13 percentage points.⁴
- **Pell Grants are essential.** A historical analysis of college-in-prison programs in the early 1990s estimated that 772 programs were operating in 1,287 correctional facilities. That number fell to 8 by 1997, following the passage of the Violent Crime Control and Law Enforcement Act (frequently referred to as “the crime bill”) in 1994, which made incarcerated people ineligible for Pell Grants.⁵
- **Scope and potential impact are large.** A 2016 analysis conducted by the Vera Institute of Justice estimated that 64,702 persons in Texas prisons could be eligible for Pell Grants, excluding those expected to be released within one year (who also can benefit from postsecondary educational programming).⁶
- **Financial benefits for formerly incarcerated persons and the state.** The Vera Institute analysis also estimated that, if 25% of Pell-eligible incarcerated students in Texas partook of postsecondary programming, the employment rate of *all* formerly incarcerated people would increase 0.7%, combined annual earnings of all formerly incarcerated workers during their year of release would increase by \$4.6 million, and the state would save \$19 million annually—primarily financed through federal funds. At a 50% take-up rate, these figures would all double to 1.4%, \$9.3 million, and \$38 million, respectively.⁷

- **Equity considerations.** People of color are dramatically overrepresented in Texas’ carceral system and underrepresented (especially Hispanic students) at institutions of higher education. Expanding postsecondary education in TDCJ facilities could assist with disrupting both cycles of inequity.
- **Popular support.** A 2019 poll found strong support for lifting the restrictions on Pell Grants for incarcerated persons, which can be reasonably viewed as a proxy for this entire issue. 60% of Texans polled supported the change, with 32% opposed. These figures improved when respondents were exposed to pro/con messaging.⁸

BACKGROUND

College in prison is not a new concept. Colleges and universities in Texas and throughout the country have been offering programs for over 50 years. In fact, Lee College (based in Beaumont) began offering credit-bearing courses for people incarcerated in TDCJ in 1966. Many of these courses were (and are) vocational, but by 1968, the college claimed 688 students in 25 assorted classes.⁹ Hundreds of similar programs existed nationwide, supported by tuition support via the federal Pell Grant program. The breadth and depth of this educational programming changed in 1994, however when Congress passed the Violent Crime Control and Law Enforcement Act (frequently referred to simply as “the ‘94 crime bill”). Among the many provisions that reinforced the disastrous system of mass incarceration was the change rendering incarcerated students ineligible for Pell Grants. Lacking consistent funding support, most college-in-prison programs were shuttered in short order. By 1997, as few as eight programs were active nationwide—down from 772 just a few years prior.¹⁰

The paradigm of reduced educational opportunities remained largely intact until 2015, when the Obama Administration launched the Second Chance Pell Pilot Program, which allowed 67 institutions to provide Pell-supported postsecondary educational programming to incarcerated persons. The Second Chance program was doubled in size during the Trump Administration and, to date, has allowed at least 7,000 students to earn a degree or credential.¹¹ Congress reinstated Pell eligibility for incarcerated people in the Consolidated Appropriations Act, 2021 (signed into law in December 2020), effective July 1, 2023.¹²

That such progress has been made in bipartisan fashion reflects strong empirical evidence underpinning college-in-prison programs. The most frequently cited study was a meta-analysis conducted by the RAND Corporation of 30+ years of research on the subject, which found that correctional education programs reduce recidivism in participants by 43% (48% for postsecondary programming specifically, but the authors of the report question the validity of this statistic due to self-selection bias and insufficient high-quality studies), or 13 percentage points lower than non-participants.¹³ Evidence of labor market outcomes is quite limited, but what exists is promising: State-based analyses have found that participation in correctional education programs is linked to higher employment rates and wages.^{14,15} Finally—and importantly, given TDCJ’s ongoing and intensifying staffing issues—qualitative studies have found that those incarcerated, staff, and administrators all associate college-in-prison programs with fewer conduct issues and a safer prison environment.^{16,17}

In addition to reducing recidivism and increasing employment and financial benefits, Texas must consider the cognitive benefits to persons able to obtain higher education in prisons. If individuals are exposed to analytical thinking and engaged in critical conversations with their peers, they can expand their intellect and alleviate criminogenic risks (e.g., impulsivity, antisocial behavior). For instance, incarcerated students see consistent gains in literary proficiency after completion of a postsecondary degree.¹⁸ Specifically, they are more likely to achieve higher literacy proficiency scores compared to incarcerated students who do not participate in prison education programs. General education research has also found that educational attainment positively influences performance in the reasoning and verbal portions of IQ tests.¹⁹ If Texas were to expand access to education programs in our prisons, we can improve the intellectual capacities of incarcerated students and allow enrollees to see gains in these skills, all of which are necessary for long-term and gainful employment after one

is released. These benefits may also serve as protective factors against criminogenic risks, such as impulsivity and the inability to have forethought.

According to the Alliance for Higher Education in Prison, which conducts an annual survey of college-in-prison programs nationwide, 19 institutions of higher education either offer directly or are affiliated with third-party programs that offer postsecondary coursework in Texas prisons.²⁰ The additional data provided to Texas Appleseed by TDCJ provides that 13 of these institutions have used the Second Chance Pell pilot program to fund their programming for a total of 5,249 incarcerated students since 2015.²¹ These programs vary widely in size, scope, and level of formality: Some offer vocational training, others confer associate or bachelor's degrees, and some smaller programs merely offer coursework but do not confer degrees.

Postsecondary programs in TDCJ facilities are nominally managed by the agency's Rehabilitation Programs Division, but most day-to-day interactions (including program conception and creation) happen at the facility or ward level. Some state funding (current biennium: \$5.8 million for *all* academic/vocational training) is available to support postsecondary programs, with conditions established in a budgetary rider.²² According to colleges interviewed by Texas Appleseed staff, most students can finance their educations via Pell Grants, with some students also relying on private philanthropy or personal funds. TDCJ also offers the Postsecondary Education Reimbursement program, which essentially offers those who qualify a zero-interest loan to cover remaining cost (after Pell, etc.) of their education. Repayment of this loan is a condition of parole, however.²³

AN ISSUE RIPE FOR REFORM

First, the good news: The primary policy hurdle to expanding college-in-prison programs was already overcome when Congress reinstated Pell eligibility for incarcerated students. The changes that should follow are about capitalizing on that opportunity. That opportunity is vast, as there are many available interventions to improve conditions in state carceral facilities and outcomes for incarcerated people, but very few that generate the magnitude of positive outcomes within facilities, upon an inmate's release, and for years thereafter—and that would be financed primarily by federal funds and would only minimally burden TDCJ's short-staffed workforce.

The principal challenge, then, is scale: 5,249 TDCJ students have enrolled in a Pell-eligible program since 2015, but there are more than 120,000 people currently incarcerated, most of whom do not have a postsecondary credential. The decentralized nature of TDCJ (both geographically and in terms of decision-making capacity) and the Texas higher education system makes designing a coherent, efficient, and effective system that can serve such a large population exceedingly difficult, especially in the absence of formal statutes, rules, and so on to govern the establishment and governance of these programs. Success, then, will rely heavily on close coordination between multiple state agencies and institutions of higher education and clear delineation of the roles and responsibilities of each actor.

RECOMMENDATIONS FOR REFORM

Texas Appleseed recommends the development of a network of prison-based higher education programs built upon the principles of *access, quality, and equity*. The creation of such a program involves the following processes, including legislative and administrative endeavors, which would provide the following advantages:

- **Formalize postsecondary education in TDCJ facilities.** It is not sufficient to govern these programs via a budget rider and informal guidance. The Legislature should enact statutes detailing non-academic criteria and setting limitations on college-in-prison programming. It should also establish (within state law or via formal rulemaking) student participation criteria for postsecondary programming. In addition, the Legislature should delineate the roles and responsibilities of TDCJ, the Texas Higher Education Coordinating Board (THECB), and other institutions in the creation, operation, and evaluation of programs.

- **Maximize access.** The criteria allowing or restricting participation should be established in a manner that maximizes potential enrollment. There are no financial reasons to limit access to Pell Grants by any qualified applicants. As such, postsecondary programming should be viewed as an important part of the rehabilitation process, not a privilege to be earned. While there will invariably be some reasonable restrictions on enrollment, significant attention should be given to avoiding unnecessary or arbitrary restrictions. Enrollment, for example, should be available to all TDCJ students, irrespective of their specific convictions or the time remaining on their sentences.
- **Ensure equitable program offerings.** Incarcerated women in TDCJ facilities have historically had more limited access to educational offerings compared to their male counterparts, and such programs were lesser in number and of lower quality. Differences in available programming should not discriminate by gender, even if attributable to insufficient outreach or neglect. There are approximately seven times more men than women in TDCJ, and their respective facilities are in vastly distinct geographic locations. TDCJ should use its influence in the approval of new Pell-eligible programs to ensure incarcerated women receive increased and higher-quality opportunities, and the Legislature should develop a means of holding the agency accountable to those outcomes.
- **Implement a navigable, data-driven system.** The Legislature has a unique opportunity to create an entirely new higher education system for incarcerated individuals, and fully avoid issues that plague traditional higher education. Program development should be driven by workforce data and student interest, ensuring consistent enrollment and post-release employment opportunities. Programs should be designed with coherence and navigability in mind: a prospective student should know the criteria to qualify, apply, obtain financial aid, enroll, and graduate from a given program. If additional postsecondary education is required after release, students should have a reasonable expectation that earned credits will transfer to a non-prison institution and be provided with a list of institutions that will accept transfer credits despite prior incarceration status.
- **Coordinate between agencies and institutions.** TDCJ currently maintains full control of current higher education programs in its facilities, including requesting and forming partnerships with institutions, selecting eligible students, deciding what infrastructure is or is not obtained or installed, and passing funding along to its partners. This arrangement is not necessarily optimal: while maintaining its physical facilities and ensuring security clearly are within the agency's purview, some of the educational functions -- most notably program identification, implementation, and evaluation -- can and should be conducted by higher education experts at THECB and partner institutions in consultation with TDCJ. Leveraging existing expertise allows for better resource allocation and ultimately more effective programming. The Legislature should consider creating an interagency working group of agency and institutional personnel, formerly incarcerated people, and other stakeholders to smooth implementation, troubleshoot problems as they arise, and maintain a big-picture view of the system as it grows and develops.
- **Invest.** While Pell Grants will assist students with tuition and fees and sustain programs long-term, some investment will be required up front to maximize success. Investments could include computers with secure internet access to facilitate teaching and study, agency staffing to ensure programs are run effectively, and supports to assist students with leveraging their education upon re-entry.
- **Rigorously evaluate programs.** Data should be integrated at every step of the process to ensure success, from considering workforce information in program development to conducting rigorous reviews of outcomes. Notably, these data should be available to the public and academic communities for wider research – not just state agencies -- to ensure that taxpayer dollars are well-spent and to enable future innovations.

- **Streamline licensure processes for formerly incarcerated people.** Many current and future college-in-prison programs focus on earning workforce credentials that meet state licensure requirements, such as with HVAC repair. Currently, however, formerly incarcerated people must wait until *after* release to apply for a license, meaning they must wait some time (often months) before working in the field that aligns with their training. The Legislature should authorize state licensing agencies to issue provisional licenses to qualified incarcerated persons, which become fully effective upon release, allowing for much smoother re-entry into the workforce.

CONCLUSION

The mission of the Texas Department of Criminal Justice is “to provide public safety, promote positive change in offender behavior, reintegrate offenders into society and assist victims of crime.” Promoting higher education in prisons is humane, cost-effective, and fully aligned with the state’s public safety and workforce goals. With changes to federal law approaching, Texas has an opportunity not only to improve the lives of the hundreds of thousands of individuals involved in the justice system and their families, but also to become a national model for educational rehabilitation.



Contact Information:

Chris Willuhn, *Director of New Projects*
cwilluhn@texasappleseed.org
512.473.2800 ext. 109 (office)
256.541.5804 (cell)
www.TexasAppleseed.org

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- ²² [Senate Bill 1, General Appropriations Act, Eighty-seventh Texas Legislature](#). See page V-12 for rider text; reproduced in Appendix 2).
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