

**U.S. Department of Education's Experimental Sites Initiative
Second Chance Pell Experiment Frequently Asked Questions**

Q1. What can the cost of attendance for an incarcerated student include?

A1. Section 472(6) of the HEA provides that the cost of attendance for incarcerated students is limited to tuition and fees and, if required, books and supplies. This is explained more fully in [Chapter 3 of the Application and Verification Guide](#) of the Federal Student Aid Handbook (FSAH) that is posted to the IFAP website (ifap.ed.gov).

Q2. Will Pell Grants to students in this experiment be pro-rated for these incarcerated students?

A2. No. Federal Pell Grant awards under this experiment will be determined using the regular Pell Grant award and disbursement rules. This means that some students may not receive their full Pell Grant scheduled award because, for example, the student is not enrolled full-time, is not enrolled for the entire academic year, does not have sufficient remaining annual or aggregate eligibility.

Q3. Will incarcerated students in this experiment have a special federal financial aid application or will they need to complete and submit the Free Application for Federal Student Aid (FAFSA)?

A3. Incarcerated students must complete the Free Application for Federal Student Aid (FAFSA) to determine their eligibility for a Pell Grant. They may do so by using one of the current FAFSA completion methods: online at www.fafsa.ed.gov, by completing a paper (PDF) FAFSA available at www.fafsa.ed.gov, or by requesting a paper FAFSA by calling 1-800-4-FED-AID. Postsecondary institutions and correctional facilities have the option of duplicating the PDF version of the FAFSA for their students.

Q4. How does a postsecondary institution determine if an academic program (e.g., a new certificate program) it wants to offer incarcerated students as part of this experiment is Title IV-eligible?

A4. The experiment does not waive any of the requirements for program eligibility determination. Thus, postsecondary institutions must ensure that all of the programs that will be offered as part of this experiment are Title IV-eligible programs. More information is available in the Federal Student Aid Handbook, Volume 2, Chapter 2. Postsecondary institutions should contact their regional School Participation Division to determine if their academic program is Title IV eligible and if not, how it can become eligible.

Q5. Why does this experiment only refer to federal and state penal institutions? Can a postsecondary institution partner with a local correctional facility or a juvenile justice facility under this experiment?

A5. Current award rules preclude students who are incarcerated in federal or state penal institutions from receiving Federal Pell Grants. This experiment waives the section of the Higher Education Act, as amended, that prohibits otherwise eligible students from receiving a Pell Grant if they are incarcerated in a *federal* or *state* penal institution. A student who is incarcerated in a local, municipal, or county

correctional facility and otherwise meets eligibility criteria, is eligible for a Federal Pell Grant under current award rules. In [Dear Colleague Letter GEN-14-21](#), which was published on December 2014, the U.S. Department of Education issued guidance that clarifies that students who are confined or incarcerated in locations that are not Federal or State penal institutions, such as juvenile justice facilities, and who otherwise meet applicable eligibility criteria, are eligible for Federal Pell Grants.

Q6. What is a penal institution? Is a halfway house considered a penal institution?

A6. For Federal student aid purposes a penal institution is a facility that confines an individual as a result of being convicted for a crime. Thus, students are not considered to be incarcerated in a penal institution if they are in a halfway house or on home detention, are sentenced to serve only on weekends, or are confined in any sort of facility prior to the imposition of any criminal sentence or disposition while awaiting trial. Such students do not face the eligibility restrictions that are the subject of this experiment.

Q7. What does the Department mean by “released into the community”?

A7. For this experiment, “released into the community” means that the individual is no longer incarcerated in a federal or state penal institution (see Q6 above).

Q8. Will postsecondary institutions need to add the penal institution as an additional location on its eCAR?

A8. If a postsecondary institution will be offering 50% or more of an eligible program at the penal institution (as opposed to through distance or correspondence education), the postsecondary institution would need to report the penal institution as an additional location to the Department of Education by using the E-App.

Q9. Are there any Federal funds or other incentives available for the correctional facilities with which postsecondary institutions partner?

A9. No. At this time there are no funds or other incentives available from the Department of Education to correctional facilities that partner with postsecondary institutions participating in the Second Chance Pell Experiment.

Q10. Are postsecondary institutions required to offer courses in a particular mode of instruction?

A10. Classes offered to students under this experiment can be offered in any format *except for correspondence*. If the classes are offered using distance, the postsecondary institution must be approved to offer classes in those formats by the postsecondary institution’s accrediting agency, and, if applicable, State approving agency. Postsecondary institutions will most likely also need approval by the correctional facility. Correspondence programs are not eligible for participation in this experiment.

Q11. Will the postsecondary institutions under this experiment receive a waiver of the 25 percent limit of regular enrolled students who are incarcerated provided under the regulations at 34 CFR 600.7(c)?

A11. Postsecondary institutions under the experiment are not granted an automatic waiver of the 25 percent incarcerated student regulatory limitation provided under Federal regulations 34 CFR 600.7(c). However, postsecondary institutions may apply for the waiver through their regional School Participation Team. Note that approval to participate in this experiment does not include automatic approval of the waiver of the 25 percent incarcerated students requirement.

Q12. Can the postsecondary institutions under this experiment charge incarcerated students a different amount than it charges non-incarcerated students who are enrolled in the same program?

A12. While postsecondary institutions may have different charges for students in *different* programs, they may not charge incarcerated students a different amount than non-incarcerated students who are enrolled in the same program. However, postsecondary institutions may determine that its Second Chance Pell program is a different program than the program it offers traditional students, even if the credits and courses are the same.

Q13. If a student in the experiment is selected for verification groups V4 or V5 and must verify identity, are prison IDs acceptable documentation to verify identity?

A13. Yes, prison IDs are acceptable documentation to verify identity for students under this experiment, as long as the student is still incarcerated.

Q14. When completing the FAFSA, how should incarcerated students in the experiment answer the question about their state of legal residency?

A14. How incarcerated students answer questions pertaining to residency depends on a number of factors that are outside of the U.S. Department of Education's authority.

Q15. Is there alternative documentation that postsecondary institutions participating in the Second Chance Pell experiment can accept from incarcerated students under this experiment who are required to submit verification of non-filing from the IRS?

A15. Yes, postsecondary institutions participating in the Second Chance Pell experiment, who have incarcerated students under this experiment who are required to submit verification of non-filing from the IRS may accept, as alternative documentation, documentation from the correctional facility (or another official entity) that provides that the student was incarcerated for all of the corresponding tax year. In addition, the school is required to collect a signed statement certifying that the applicant was not required to file an income tax return and identifying all sources and amounts of any income and confirming they were not required to file taxes with the IRS. For example, if the student was incarcerated for the entire 2015 tax year, the school may accept documentation for the 2016-2017 or the 2017-2018 award year from the correctional facility that shows that the student was incarcerated for the entire applicable (2015) tax year, along with a signed statement certifying that the applicant was not required to file an income tax return and identifying all sources and amounts of income consistent with not being required to file taxes.

Q16. Should a postsecondary institution that receives documentation from the correctional facility (whether it be for student aid eligibility purposes or enrollment in the academic program) that includes sensitive information about a student (e.g. criminal charges or correctional behavior records) redact that information from the documentation?

A16. First, a postsecondary institution may consider, as acceptable documentation, any documentation from the correctional facility that provides the information that the school has requested. Documentation from the correctional facility is not required to be a copy of an official record from the correctional facility. A simple statement from the correctional facility may be requested and accepted instead of official correctional facility records that may include sensitive information. By accepting this type of documentation instead of official correctional facility records, postsecondary institutions are able to address issues with having records and access to this sensitive information. However, in cases where postsecondary institutions are provided documentation from correctional facilities with this sensitive information, it is at the discretion of the school (with consideration of FERPA and other privacy laws and requirements) whether or not to redact the information on the record.

Q17. If the name on the FAFSA of a student enrolled in a program under the experiment is different than the name being used at the correctional facility (and the correctional facility has issued a prison ID under the different name) how should the institution resolve this?

A17. Assuming that the FAFSA does not provide any issues with Social Security Administration matches, the school should work with the correctional facility partner to identify procedures and methods to ensure that they determine and document verification of identity for a student who is participating in the Second Chance Pell Experiment and is selected for verification of identity (verification groups V4 or V5).

Q18. If a student is selected for V4 or V5, what can be provided to prove high school graduation or GED? High schools sometimes do not have transcripts or transcripts are sometimes unavailable due to natural disasters.

A18. Normal verification documentation requirements apply to Second Chance Pell schools. We have stated in the answer to Question 16 above that documentation from the correctional facility is acceptable as verification documentation. As previously stated, a postsecondary institution may consider, as acceptable documentation, any documentation from the correctional facility that provides the information that the school has requested. Documentation from the correctional facility is not required to be a copy of an official record from the correctional facility. We also have specific guidance on verification documentation for areas subject to specific natural disaster declarations. The last guidance for natural disasters was published on August 29th (GEN-17-08). It is available at this link: <https://ifap.ed.gov/dpcletters/GEN1708.html>

Q19. If a student is working for the prison but has no documentation to verify income because the student is working for the Correctional Facility and receives state pay that goes directly to the prison, how should this be accounted for on the FAFSA?

A19. As we stated in the answer to Question 16 above a statement from the facility would suffice. Also, since normal verification rules apply, a statement from the student would also suffice (assuming the student was not required to file taxes).

7/27/2018

During the conference we mentioned that aid administrators may need to exercise professional judgement to accurately reflect the amount of student "income" that would be available to pay for postsecondary education in such situations.