



Guidelines for the Review of Prison Education Programs

As noted in the Policy on Substantive Change, institutions proposing to participate in the federal Prison Education Program providing Pell Grant access to incarcerated students will need to submit their plans to the Commission for review. Prison Education Programs may be offered at a correctional facility, online, or at the institution itself.

Institutions planning to submit a substantive change proposal for a prison education program (PEP) are encouraged to consult the relevant regulations issued by the U.S. Department of Education (34 CFR 668.234-242). As required by those regulations, the Commission will:

- (a) evaluate at least the first prison education program at the first two additional locations; and
- (b) evaluate the first additional prison education program offered by a new method of delivery.

The purpose of the Commission's review is to ensure the institution has sufficient capacity to offer and implement the program and that the proposed programming meets the *Standards for Accreditation*.

If the institution's plans are approved, the Commission will encompass the prison education program and, if relevant, the off-campus instructional location, within the institution's accreditation and will schedule a site visit to assess implementation of the program as soon as practicable but no later than one year following the program's initiation. The Procedures for the Substantive Change Evaluation Visit will be followed for these evaluations.

Following notification that the institution's oversight entity has made a "best interest determination" for the program¹, the Commission will review and approve the methodology for how the institution, in collaboration with the oversight entity, made the determination that the approved prison education program meets the same standards as substantially similar programs at the institution that are not PEPs.

Once the first two additional locations (and, if relevant, the first new modality) have been approved, the Commission may grant the institution general approval to offer additional prison education programs without going through the substantive change process.

As required by federal regulations, an institution is not eligible to participate in the federal Prison Education Program if: (a) its accreditation has been withdrawn; (b) it is currently on probation or has been on probation during the previous five years; (c) it is subject or has been subject, during

¹ Per federal regulations, this determination must be made within two years of the program's initiation.

the previous five years, to any action by the State to revoke its license or other authority to operate. If an institution that is implementing an approved prison education program is subsequently placed on probation, has its accreditation withdrawn, or is subject to state action to revoke its license or authority to operate, its approval for the PEP will be rescinded, and it must submit a teach-out plan (and teach-out agreement if relevant) to the Commission indicating how students enrolled in the PEP will be able to complete their education.

Format of the substantive change proposal:

Proposals for prison education programs are typically 25-30 pages in length, single spaced, and should include the following elements:

Cover Page for Substantive Change: Available on the Commission’s website, this form should be signed by the institution’s CEO and include the dates of approval by the institution’s governing board and authorization by the appropriate governmental agency.

Institutional Overview: Provide an overview of the institution, including its purpose, setting, and any special circumstances that would help the reader understand its nature and scope. In addition, a brief rationale for undertaking the prison education program should be articulated.

Standards for Accreditation: Provide a detailed description and analysis of the proposed program, addressing each of the *Standards for Accreditation*. This section of the proposal should provide evidence of how, through the prison education program, the institution will continue to fulfill the Standards. The narrative for Standard 7, *Institutional Resources*, should include a multi-year revenue and expense budget and should discuss the fiscal and administrative capacity of the institution to oversee and assure the quality of the proposed program.

When the PEP is to be offered at a correctional facility, this section of the proposal should be prepared using the Guidelines for Preparing Reports on the Establishment of Off-Campus Programming. When the PEP will be offered via distance education, this section of the proposal should be prepared using the Guidelines for Preparing Substantive Change Reports on the Establishment of Academic Programming Offered Through Distance Education.

Appendix: Include in an appendix to the proposal a copy of the Memorandum of Understanding between the institution and the state Department of Corrections, Federal Bureau of Prisons, or other oversight entity.

An electronic copy (single, searchable pdf file) of the proposal should be submitted to the Commission through the NECHE Institution Portal.

April 2023