

Postsecondary education has been proven to reduce recidivism and promote more successful transitions back into communities for adults returning from incarceration.¹ However, currently incarcerated and reentering adults often face barriers to receiving high-quality postsecondary education. The Council of State Governments Justice Center, with support from Lumina Foundation, conducted an intensive 50-state scan and survey of the statutory, financial, and administrative policies and practices that impact the provision of postsecondary education for this population. This fact sheet outlines the research findings for New York.



HOW ARE SERVICES FUNDED?

Correctional Agency Funding

- While no statutory restrictions exist, the New York legislature does not currently allocate state funds for college programs in state correctional facilities.² Postsecondary education is funded through federal sources—such as the Carl D. Perkins Career and Technical Education Act³ and the Second Chance Pell pilot program⁴—and private sources.⁵
- New York is not using Workforce Innovation and Opportunity Act funds for postsecondary education.⁶

State Financial Aid

- Every relevant New York financial aid program has a statutory ban that prevents individuals who are currently incarcerated from receiving the award.⁷ Upon returning to the community, individuals may access these funding programs. Legislation is underway to establish a commission on postsecondary correctional education and restore funding access to the Tuition Assistance Program (TAP) for incarcerated students.⁸



WHAT IS OFFERED INSIDE CORRECTIONAL FACILITIES?

Career and Technical Education and Certifications

- The New York State Department of Corrections and Community Supervision provides career and technical education in braille transcription and large print, community health, computer information technology and support, computer operating, computer service technology, culinary arts, general business, and introduction to technology.⁹
- Certificates are provided through the federally funded Second Chance Pell Pilot program site at City University of New York (CUNY) John Jay College of Criminal Justice.¹⁰
- Occupational training programs are available to veterans who are incarcerated through the Incarcerated Veterans Program.¹¹

Associate and Bachelor's Degrees

- Associate degrees are offered through Cayuga Community College; Genesee Community College; Hobart and William Smith Colleges (private institutions); Jefferson Community College; Medaille College (a private institution); Mohawk Valley Community

College; Sarah Lawrence College (a private institution); Sullivan Community College; and Ulster County Community College.¹² Associate degrees are offered through the Second Chance Pell Pilot site colleges at Bard College (a private institution); Hostos Community College; John Jay College of Criminal Justice; Marymount Manhattan College (a private institution); Mercy College (a private institution); North County Community College; and Nyack College (a private institution).¹³

- ➔ Bachelor's degrees are offered through Columbia Greene Community College; Sarah Lawrence College; Siena College (a private institution); and St. Thomas Aquinas College (a private institution).¹⁴
- ➔ Bachelor's degrees are offered through the Second Chance Pell Pilot site colleges at Bard College, Marymount Manhattan College, Mercy College, and Nyack College.¹⁵
- ➔ College courses are offered through Herkimer County Community College, John Jay Prison-to-College Pipeline Program, and St. Lawrence University (a private institution).¹⁶
- ➔ College courses are offered through the Second Chance Pell Pilot site at Bennington College—a private institution.¹⁷
- ➔ Legislation has recently been introduced to establish a commission on postsecondary correctional education to “make recommendations concerning the availability, effectiveness and need for expansion of postsecondary education in the NYS prison system.”¹⁸

Labor Market, Employer Feedback, and Outcome Data Alignment

- ➔ New York has identified local labor market trends and employer feedback as the primary factors that determine the types of postsecondary education and CTE programming that are offered within the correctional facility.¹⁹



WHAT RESTRICTIONS OR BARRIERS ARE IMPOSED ON ACCESS AND PARTICIPATION?

Statutory or Administrative Requirements, Permissions, and Restrictions

- ➔ If withdrawn from an education program for disciplinary reasons, a participant will be eligible to reenroll six months to one year after their withdrawal.²⁰

Use of Criminal History in State College and University Applications

- ➔ CUNY and the State University of New York (SUNY) both have policies that prohibit the community colleges and universities from inquiring about an applicant's prior criminal history during admission.
- ➔ At the end of each CUNY application, there is a statement that the college may deny admission to any student if they pose an “undue risk” to the college community (e.g., if there is a childcare center or summer camp on campus). The institution can consider a variety of factors that may relate to a student's prior criminal record (e.g., amount of time served in jail or on probation or parole, if the student has received treatment, or if they have work and/or educational experience).²¹ Queens College is the only CUNY institution that utilizes the Common Application.²²

- ➔ The SUNY policy emphasizes the positive outcomes when individuals with previous criminal convictions can access higher education. The system requires students to disclose their criminal history after admission if they seek campus housing or for certain programming, such as internships, clinical experiences, and study abroad.²³ All SUNY institutions, except Empire State College, utilize the Common Application.



WHAT INCENTIVES AND SUPPORTS EXIST TO ENCOURAGE ENROLLMENT AND COMPLETION?

Statutory or Administrative Benefits

- ➔ Individuals can earn “limited credit time allowances”²⁴ and “merit time”²⁵ to reduce their sentence up to six months by attending postsecondary education programs.²⁶
- ➔ Incentives for participating in postsecondary education programs include dedicated or specialized housing and compensation.²⁷

Parole Conditions Related to Postsecondary Education

- ➔ Post-release participation in postsecondary education can meet a parole requirement to seek or obtain employment.²⁸

Support and Services in the Community

- ➔ The parole-granting agency provides information on postsecondary education, but not occupational training, postsecondary education advisors and coordinators, and vocational credential testing.²⁹

Coursework Transfer Policies

- ➔ New York Department of Corrections and Community Supervision does not have formalized articulation agreements with schools offering programming in correctional facilities to ensure that courses offered in correctional facilities are equivalent to those offered in the community and that credits fully transfer.³⁰

1. Lois M. Davis et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND Corporation, 2013), https://www.rand.org/pubs/research_reports/RR266.html.
2. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
3. Ibid.
4. U.S. Department of Education, "12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs through Education Department's New Second Chance Pell Pilot Program," news release, June 24, 2016, <https://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program>.
5. "Support Education," Hudson Link for Higher Education in Prison, accessed December 19, 2019, <http://www.hudsonlink.org/become-a-member/support-education/>; "Cornell Prison Education Program (CPEP)," Prison Studies Project, accessed June 21, 2019, <http://prisonstudiesproject.org/2011/08/cornell-prison-education-program/>; "SUNY Ulster College Prison Program," Prison Studies Project, accessed December 16, 2019, <http://prisonstudiesproject.org/2018/06/suny-ulster-college-prison-program/>.
6. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
7. NY CLS Educ § 661(4)(b-1)(v); (6)(d).
8. 2019 Bill Text NY A.B. 4011.
9. "College in Prison," Vera Institute of Justice, accessed May 28, 2019, <https://www.vera.org/projects/college-in-prison/>; "Education (Vocational)," New York State Department of Corrections and Community Supervision, accessed June 20, 2019, <http://www.doccs.ny.gov/ProgramServices/vocational.html>.
10. U.S. Department of Education, "12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs through Education Department's New Second Chance Pell Pilot Program," news release, June 24, 2016, <https://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program>.
11. "Guidance and Counseling," New York State Department of Corrections and Community Supervision, accessed June 21, 2019, <http://www.doccs.ny.gov/ProgramServices/guidance.html#vet>.
12. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
13. U.S. Department of Education, "12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs through Education Department's New Second Chance Pell Pilot Program," news release, June 24, 2016, <https://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program>.
14. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
15. U.S. Department of Education, "12,000 Incarcerated Students to Enroll in Postsecondary Educational and Training Programs through Education Department's New Second Chance Pell Pilot Program," news release, June 24, 2016, <https://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program>.
16. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
17. "Education (Academic)," New York State Department of Corrections and Community Supervision; "College in Prison," Vera Institute of Justice; "Prison Education Initiative," Bennington College, accessed January 2, 2020, <https://www.bennington.edu/center-advancement-of-public-action/human-rights-and-peacebuilding/incarceration-america/prison>.
18. 2019 Bill Text NY S809, <https://www.nysenate.gov/legislation/bills/2019/a4011>.
19. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
20. Ibid.
21. "CUNY Policy on Admission of Students Who May Pose a Risk to the College," The City College of New York, accessed December 19, 2019, <https://ccny.smartcatalogiq.com/en/2018-2019/Undergraduate-Bulletin/Admissions/CUNY-Policy-on-Admission-of-Students-Who-May-Pose-a-Risk-to-the-College>; See also policy at Brooklyn College, <http://www.brooklyn.cuny.edu/web/about/initiatives/policies/admission.php>.
22. The Common Application, an undergraduate college application system, recently removed its required criminal history question, but maintains its questions on disciplinary infractions. However, colleges on the Common Application can add questions regarding criminal conviction or disciplinary information to their individualized applications.
23. "Admission of Persons with Prior Felony Convictions," State University of New York, accessed May 31, 2019, https://www.suny.edu/sunypdp/documents.cfm?doc_id=846.
24. NY CLS Correc § 803-b, <http://www.ncrp.info/StateFactSheets.aspx?state=NY>.
25. "Guidance and Counseling," New York State Department of Corrections and Community Supervision, accessed June 21, 2019, <http://www.doccs.ny.gov/ProgramServices/guidance.html#earn>; NY CLS Correc § 803 et seq.
26. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.
27. Ibid.
28. The Council of State Governments Justice Center electronic survey of state parole-granting agencies, July 12, 2019.
29. Ibid.
30. The Council of State Governments Justice Center electronic survey of state correctional education directors, July 12, 2019.