



August 18, 2022

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Submitted via Federal eRulemaking Portal: <https://www.regulations.gov/document/ED-2022-OPE-0062-0001>

RE: Docket ID ED-2022-OPE—0062
Institutional Eligibility, Student Assistance General Provisions, and Federal Pell Grant Program

Dear Secretary Cardona:

Thank you for the opportunity to comment on the proposed regulations governing Pell access for incarcerated undergraduates.

While the restoration of Pell in our space was a crucial advancement for both higher education and justice in the United States, there are changes that must be made to the regulations if the law is to have the desired effect.

The creation of additional bureaucracy, gratuitous costs, and the replication of reporting requirements will only harm colleges' ability to sustain programs with the breadth, independence, and quality that we all desire.

- Colleges must not be required to report data, academic or otherwise, to state or federal departments of correction who do not have the capacity, desire, or expertise to manage or evaluate that data;
- Evaluation and accreditation should be governed only by the existing accrediting bodies that already govern American colleges and their academic programs;
- The establishment of new, unique metrics to evaluate the success of college-in-prison (employment, recidivism, etc.), should exist separate from the implementation of Pell, which eligible incarcerated students are already entitled.

Above all, incarcerated undergraduates are just that: undergraduates. Any efforts to make them different or distinct will lead to inequity, unfairness, and waste.

Thank you for your time and consideration. Please do not hesitate to reach out if there is any way we can be of assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Max Kenner", is written over a horizontal blue line. The signature is stylized and includes a large loop at the beginning.

Max Kenner
Executive Director