



Restoration of Pell Grant Eligibility to Incarcerated People: Questions & Answers

The Problem: In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which removed state and federal prisoners from Pell Grant eligibility. As a result, access to college-level education in prisons throughout the country plummeted.

The Solution: After years of advocacy, bipartisan legislation called the REAL Act, authored by Senator Brian Schatz (D-HI), was included in Congress's annual spending bill, which passed in December 2020. This **new law restores Pell Grant eligibility for incarcerated individuals**. FAMM supported this reform.

Bill Status: *This bill has been passed by Congress and signed by the President.* It has become law.

Who it will help: This change will allow people incarcerated in both **federal and state facilities** to apply for and receive Pell Grants to pay for college courses taken in prison. No one will be excluded because of their sentence length or crime of conviction, and no one will be excluded due to being in a civil confinement facility. To qualify for Pell Grants, the person must show that they must have a financial need and a college program that they are able to participate in.

What it will do:

- People in prisons and jails across the country will have access to federal Pell Grant aide to help them pay for college education while they are incarcerated.
- After the ban on Pell Grants in 1994 we saw a huge drop in the number of college programs in prisons. We are hopeful that restoring Pell Grant eligibility will bring many of these programs back.

When it will take effect:

- Restoration of eligibility will not happen immediately – the U.S. Department of Education will first need to create some administrative rules to put eligibility back into place. Creating these rules usually takes several months.
- The section of the bill that restores Pell Grant eligibility can be implemented **as soon as possible**. This means President-elect Biden's new Secretary of Education can create new rules for Pell Grant restoration as soon as this year. We hope that it will happen as soon as the summer of 2021.

What we still don't know: There are many questions remaining that we still don't have an answer to. We don't know which colleges will provide programming in the immediate future, which facilities will see new college programs first, or what the Pell Grant application process will look like inside particular prisons and jails. Many aspects of this legislation will depend on the rules created by the Department of Education and how educational institutions respond to them.

