

# Education Justice Talking Points

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## Pell Eligibility

Restoring Pell Grant eligibility for individuals in prison will:

- **Decrease taxation:** Many people leave prison unskilled and undereducated—two factors that correlate powerfully with recidivism rates. When formerly incarcerated persons gain employment, they are significantly less likely to rely on public assistance, and there is the increased likelihood that these individuals will successfully reintegrate into society. They are also able to financially contribute through channels such as taxes, fines, court fees, restitution and child support. Governments, in turn, can divert funds that would have been used to build and maintain correctional facilities to other areas— such as education or social services.
- **Improve public safety:** Nationally, 43.3%-51.8% of formerly incarcerated individuals will recidivate within three years of leaving prison. Education has been correlated with drastic reduction in recidivism rates.
- **Increase employment:** The average education difference between African-Americans and Caucasians can explain as much as 23% of the gap in incarceration rates between these two races. The incarceration gap between African-Americans and Caucasians (which is much higher among the aforementioned) could be decreased by as much as 23% if the average education level of African-Americans was raised to the same level as that of Caucasians. Higher education for incarcerated people is valuable in a society where postsecondary credentials are increasingly necessary to gain access to jobs with wages that provide a lifestyle above the poverty line.
- **Reduce poverty:** Children are at a higher risk for living in poverty conditions if their parents are incarcerated. Nationally, there are more than 120,000 incarcerated mothers and 1.1 million incarcerated fathers who have children below the age of 18. When parents participate in postsecondary education, there is an increased likelihood that their children will attend college.

- **Strengthen underserved communities:** Formerly incarcerated individuals are frequently released to communities that have little to no capacity to provide them with productive employment or reentry assistance. With ever-increasing prison sentences and recidivism rates, incarcerated people are released without the essential tools necessary for reintegration to society (e.g. education, trade skills, community knowledge).

## Possible Frames for the Issue

### **Civil Rights/ Criminal Justice**

Example: “Reinstating Pell grant eligibility to those who are currently and formerly incarcerated is a civil rights issue. The landmark Supreme Court case *Brown v. Board of Education* sought to open the doors of educational opportunity to everyone despite race. But the sad truth is that our broken criminal justice system incarcerates people of color at disproportionate rates compared to their white counterparts. By denying those in prison and those who have been released access to education the very promise of *Brown* is being threatened.”

### **Economics**

The average cost of incarcerating an individual in the United States for a year for tax-payers is roughly \$30,000, while the cost of one year of college while in prison is only \$5,000. Knowing that access to education leads to reduced recidivism, that \$5,000 can be viewed as an investment in an individual who will return to the community with a college degree able to compete in today’s economy. This also means that individual will be less likely to rely on public assistance and will contribute to the state as a tax-payer, further benefiting their community.

### **Public Safety**

Studies show that access to education both in and after prison has a dramatic effect in reducing recidivism rates. By ensuring access to education for currently and formerly incarcerated individuals we increase public safety and reduce crime. It is one of the most effective tools in keeping our communities safe.

## Key Research Findings

### **Barriers To “Reentry” And Educational Access:**

- 71 million Americans have a criminal history (1 in 3 adults) (Friedman 2015)..
- Approximately 70% of college applications ask for information about prior convictions (Pierce et. al. 2013)
- 2 out of 3 people that start a college application and select yes to the question regarding criminal history do not finish the application. (Center for Community Alternatives 2015)

### **Benefits Of Higher Education For Public Safety:**

- Educational programming reduces recidivism by 40% and provides opportunities for employment and positive support that decreases the likelihood of future crimes. (Davis et. al. 2014; Blomberg et. al. 2011; Vacca 2008)
- The recidivism rate drops dramatically with access to higher education: (Davis et. al. 2014)
  - Masters: less than 1%
  - Baccalaureates: 5.6%
  - Associates: 13.7%
- Reduced recidivism decreases the crime rate and improves public safety.

### **Legal Considerations:**

- The U.S. Equal Employment and Opportunity Commission (EEOC) has stated that criminal record exclusions have a disparate impact based on race and therefore asking criminal history questions is a violation of Title VII of the Civil Rights Act of 1964. (U.S. Department of Education 2016)
- Removing criminal history from the admissions process does not impact institutional liability when crimes occur on campus (Pierce et. al. 2013) or prevent colleges from complying with reporting standards and obligations in accordance with the Clery Act (U.S. Department of Education 2016)

### **Campus Safety Considerations:**

- There is no evidence suggesting that criminal history considerations are related to campus safety (Olszewska 2007).
- campus crime rates most often found to be related to institutional characteristics such as the percent of students living on campus, and percent of students from out-of-state. (McPheters 1978; Sloan 1994; Volkwein et. al. 1995, Han 2013)
- One study from the University of Michigan found that less than 50% of crimes on campus are committed by students and less than 2% of students who commit crimes have a prior conviction.

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### **The Effectiveness Of Criminal History Questions In College Admissions:**

- Neither criminal background checks nor pre-admission screening questions have been proven to accurately predict whether students are likely to commit a crime on college campuses (Runyan et. al. 2013; Custer 2013)

### **Employment Considerations:**

- By 2020, 65 percent of all jobs in the economy will require postsecondary education and

training beyond high school. (Carneville et. al. 2013)

- 60% of formerly incarcerated people are unemployed one year after release. (Couloute & Kopf 2018)
- The United States will fall short by 5 million workers with postsecondary education—at the current production rate—by 2020. (Carneville et. al. 2013)

## Conservative Arguments for higher education during and after incarceration:

- Cost Effective: Decreases reliance on public assistance/ Decreases cost of incarceration
- Increases employment rates
- Religious/spiritual redemption
- Improves physical and mental health (cost to taxpayer for benefits)
- Elevates quality of life for children
- Increases Public Safety

## Key Counterpoints

### A. Sexual Assault on Campus:

- We agree that sexual assault on college campuses is a significant and important issue.
- However, it is important that we analyze this issue using the data available to us about the scope of the issue- we know that sexual assaults on campus are not committed by individuals with prior convictions, but individuals with no criminal history (and these individuals are not often prosecuted).
- Remembering that less than 50% of crime on campus are committed by students. Campuses are open environments so if someone wants to sexually assault someone on campus all they have to do is walk on campus or target a local bar.
- The idea that a person would apply to a college, pay fees and tuition to enroll and do academic coursework all to get access to a campus to commit a crime is not based in reality.

### B. Removing criminal history questions increases racial bias:

Based on studies in employment, not higher education (very different application processes, goals and outcomes) ---less applications at a time in hiring--higher education institutions seek to increase diversity.

- “EEOC Commissioner Victoria Lipnic (a Republican appointee) emphasized the following point in her testimony before the U.S. Commission on Civil Rights: “Where, in fact, in the absence of a criminal background check an employer chooses to use race as a proxy for criminal history, that employer is patently violating federal civil rights law. Were such a charge brought to the Commission and found to be true, I would have no difficulty bringing the full force of the agency to bear on such a transgressor.”-NELP Emsellem and Avery 2016)
- This argument has three flaws even if the social science is correct (Zatz 2016)
- **1. Ban the Box is not the source of Racial profiling:**
- One widely-noted 2003 study by Harvard sociologist Professor Devah Pager found that white job applicants with a criminal record were more likely to receive a callback for an interview than black job applicants without a criminal record.---the problem is racism not, ban the box
- “By accepting a baseline in which employers engage in racial profiling if they cannot check records, the perverse consequences argument let’s employers take hostages. If the law won’t let us openly exclude people with records, then we’ll discriminate against people of color without records instead. Therefore, what? Clearly the best solution would be to suppress both forms of discrimination. We should ban the box and vigorously prevent employers from racially profiling.” Zatz 2016
- **2. Repealing Ban the Box legislation ignores the cumulative effects of discriminatory hiring practices and deepens inequality:** “It implies, for instance, that discrimination against one person of color can be cured by randomly hiring another member of the same group – without regard to the injury suffered by the first. With regard to Ban the Box, it erases the employment discrimination people of color face by virtue of their entanglement with a racially biased criminal justice system; these harms are simply “cancelled out” by the employment benefits Ban the Box confers on other people of color who have eluded such entanglement.” (Zatz 2016)
- “[I]magine two different labor markets. In one, 20% of workers of color are permanently excluded from all jobs. Each employer excludes the same 20%. In the other labor market, 20% of workers of color are randomly excluded from each job. But it is a different 20% at each employer. If we measure racial discrimination by looking at the rate at which each employer hires people of color, as the studies underlying the perverse consequences argument do, then these two scenarios will look exactly the same. But are we really indifferent between them as a policy matter? It is the difference between 20% of the population being permanently unemployed and the entire population being unemployed 20% of the time.”
- ----> People of color can only get employed by further marginalizing people of color with convictions
- **3. Repealing Ban the Box legislation relies on the wrong definition of racial equality** “Finally, the most important counterargument to the suggestion that Ban the Box

legislation be repealed is that it relies on a fundamentally flawed view of racial equality and racial justice. The right to be free from discrimination is not simply a group right; it is an individual right, and repealing Ban the Box legislation would deny people their rights on an individual level.

### C. Professional Licensing Concerns:

The argument is that if colleges admit people with criminal histories they will go through years of school and go into debt for a profession that they cannot become licensed in. Particular fields that people often bring up are medical, legal, and teaching.

- Education and professional licensing are separate processes and people should not be denied education for fear that they will not be able to become licensed.
- Most licensing boards consider criminal history on a case by case basis and there are very few full bans on licensing based on crimes--there are many myths-
  - People with convictions cannot work in Hospitals. Some examples are Stanley Andrisse and Syrita Steib Martin.
  - People with convictions can't practice law or pass the bar. Some examples of formerly incarcerated people that have are Shon Hopwood, Tarra Simmons, Andre Idagarra, Noah Kilroy, and many others
  - People with convictions cannot teach in schools. The majority of states only ban people with crimes against children. Also there are opportunities to teach adults and in alternative settings
- Colleges should provide people information on possible barriers and allow people to make an informed decision about their own education with knowledge of possible barriers.
- Many people don't end up working in the field that they study (studies show between 1/3-1/2 of college graduates do not work in the field that they majored (Robust 2007; Career Builder 2014).