

# Higher Education in Prison Programs: How Do We Provide Equal Access?

Panel: Adam Kasarda, Palomar College; Tamara Mariotti, SUNY  
System Resources for Students with Disabilities

Moderator: Jenifer Montag, National Center for College Students  
with Disabilities

# Why this topic at AHEAD?

- **66%** of those who are incarcerated have a disability (Bixby et al., 2022)
- Increase in IHEs building Higher Education in Prison (HEP) programs
- Unique challenges for DS in carceral settings



Incarcerated men at Riverview Correctional Facility in Ogdensburg earned their bachelor's degree in sociology from SUNY Potsdam. Photo: David Sommerstein

# Justice-Impacted Populations on Our Campuses

- Juvenile System impacted
- Adult System Impacted
- Jails
- (Federal) (Mental Health Confinement / Prison Facilities)
- Prison impacts continue when justice-impacted students enroll on our campuses (lack of documentation)
- (students with parents incarcerated)



# What are Higher Education in Prison Programs

- Explain type of programs
  - For-credit / not-for-credit
  - College classes, ABE / GED, Vocational Training Career Technical Education
  - Inside-Out classes (1/2 class enrolled campus students who enter the prison for the class)
- Who on campus is involved in HEPs
- How does education in a prison differ from on campus

# Formats of HEPs

- In person
- On tablet system with LMS
- Recorded or Live Streamed classes brought into classroom
- Snail mail correspondence
- Hybrid
- What format are/were your HEP programs?

# Barriers / Challenges to Accommodations in HEPs

- What barriers or challenges occur in HEPs
- What have you experienced and in what settings
- What about DS professionals with disabilities themselves?
- How do students know about DS and get connected?
- Technology access; faculty/DS time constraints & access to students; actions or aspects of prison administration; types of accommodations and security considerations; limited access to documentation and interactive dialogue

# The “Secret” to Accommodation Success

- What have you found to be the key to success in providing accommodations in HEPs
- What are some of the “successes” you have had
  - If in person, how did you manage accommodations and Letters?
- How does someone get started with their HEP
- Tips for novice and veteran DS providers with HEPs
- Might have to go “old-school” for accommodations
- All these accommodations have been provided: test accommodations (extra time, read aloud, large print); ASL interpreters; CART; ALDs; volunteer notetakers; braille; large print; audio textbooks; use of computer for assignments/testing; Scanning Pen; location of class

# Collaborative Models for DS & HEPs

**Direct involvement** – DS engage directly with incarcerated students

**Training models** – DS trains HEP staff as proxies

**No involvement** – DS is not involved in accommodations process for enrolled students of the college's HEP

# Q&A Time

Our contact info:

Tamara Mariotti – [tamara.mariotti@suny.edu](mailto:tamara.mariotti@suny.edu)

Adam Kasarda – [akasarda@palomar.edu](mailto:akasarda@palomar.edu)

Jenifer Montag – [Jenifer@nccsd.edu](mailto:Jenifer@nccsd.edu)

# Resources

- Bixby, L., Bevan, S., & Boen, C. (2022). The Links Between Disability, Incarceration, And Social Exclusion. *Health affairs (Project Hope)*, 41(10), 1460–1469. <https://doi.org/10.1377/hlthaff.2022.00495>
- AHEAD KPC – Correctional Education Access
- Southwest ADA Center Disability Access in Prisons
- A Student's Journey: Fighting for Education Rights While in Prison (DOC) ACLU article
- ACLU Know Your Rights Legal Rights of Disabled Prisoners
- Morgan, H. 2021. Restorative Justice and the School-to-Prison Pipeline: A Review of Existing Literature. Education Science. <https://files.eric.ed.gov/fulltext/EJ1293515.pdf>

# Additional resources

- JAN – database for possible accommodations for different disabilities (good to review to get alternative ideas) – **A to Z Lists** and **Situations & Solutions**
- JAN – **database of state vocational rehabilitation agencies** (state agencies can work with those who have been incarcerated upon release (some state allow a few weeks before release) but a good resource for additional supports for students who are justice-impacted)
- **JKMResearch** – tips for DS providers – check out Research and Resources
- **Disability Access in Prison Education Project** – The Community – Ben Wright ([ben@thecommunitynow.us](mailto:ben@thecommunitynow.us))
- **Alliance for Higher Education in Prison**
- **Correctional Education Association**
- Documentary of interest – **Being Michelle** – Woman who is Deaf and autistic and her experiences within the criminal justice system

# More Resources – legal cases

- **Yeskey v. Pennsylvania DOC (1998)** – ADA applies to prisons
- Section 504 and the ADA - program access
- Pell Grants “similar services as on campus” (**Best Interest Determination under CFR 34. §668.241**)
- Non-delegable duty (both DOC and college responsibilities) (see **William Goren J.D. article** and the **Rolf Jensen Nevada District** case -
- **DOJ v. Minnesota DOC (2022)**
- **DOJ v. Vermont DOC (2021)**
- **DOJ settlement agreement with ODRC 2016** – “contractors”
- **DOJ v. North Carolina DOC** (2025)

# Next Steps for DS...

## 1. Identify if your school has...

- HEP or PEP?
- Where located?
- If not yet – is administration considering adding HEP/PEP?
  - Who is managing this process?
  - Get onto the team to help guide accessibility concerns
    - Don't want classes / education office on 2<sup>nd</sup> floor of building with no elevator access for the incarcerated students

# **Next steps continue for DS**

2. Or if no HEP / PEP – what is campus policy on admitting those with records?
3. What supports are in place on your campus to include returning citizens with records? (Reentry)
4. What supports are available and marketed to students who have incarcerated parent(s)?

# **Next steps...if your school has HEP / PEP**

1. Have you talked with the HEP / PEP director or coordinator?
2. Assessed accessibility at site?
3. Do you know who you would need to speak with at the prison about any possible accommodations that need to be approved for entrance?
4. What types of education does your school offer?
5. What format are the classes?
6. Who are the faculty for the college inside classes?

# **More Next Steps...if your school has HEP / PEP**

7. What disability accessibility trainings have been provided to the HEP / PEP faculty and staff?
8. What process has been set up for students to request accommodations and for DS to complete interactive process and notify students of the approved accommodations (LOA distribution?)
9. How are students notified that accommodations can be requested for any college class or program/activity? Are there additional ways you can notify students?
10. Has the college established the DS Discrimination / Grievance policy and process for students inside?