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Exploring Possibility Under Constraint: A Human Rights Approach to Higher Education in Connecticut's Prisons and Jails

A thesis presented

by

Emma Hersom

to

The Political Science and Human Rights Studies Departments

in partial fulfillment of the requirements

for Honors in Political Science and Human Rights Studies

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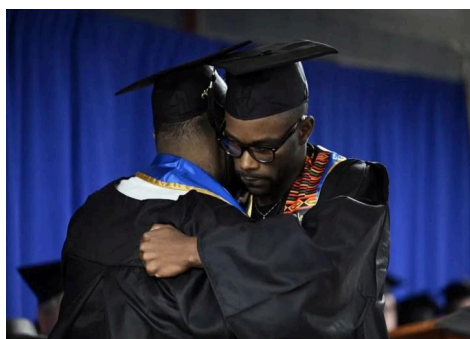
To Trinity College, for allowing me to be the first in my family to pursue postsecondary education.

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To all those fighting for liberation in the face of oppressive systems – this thesis is dedicated to you.

Introduction

According to Khalil A. Scott, a mentor in the Restoring Promise unit incarcerated in South Carolina, “most prisons aren’t built to promote healthy human transformation, let alone to help people pursue a higher education” (2022). Prison, with its deeply toxic, unrelenting environment of exploitation and dehumanization, arbitrary rules with inconsistent enforcement, and inflexible power structure all work to enfold resentment and rage into the personality of those incarcerated (Shawn Burnham 2022). Yet, within this unforgiving landscape, education emerges as a beacon of hope amidst formidable darkness, offering incarcerated individuals a pathway to self redemption and renewal. In the words of Jesse Rinke, a Kansas native and a Navy veteran incarcerated in California working as a literacy mentor, “education is the sharpest weapon with which we prisoners can arm ourselves” (2022).



Images: June 9th, 2023 – Dwight Hall’s Yale Prison Education Initiative (YPEI), through its partnership with the University of New Haven, held its first commencement ceremony at the MacDougall-Walker Correctional Institution in Suffield, Connecticut (Mola 2023). Seven students graduated with Associate degrees in general studies awarded by the University of New Haven. Of the seven graduates, six are currently incarcerated (Mola 2023).

Over the last few decades, a substantial body of literature has explored the ways in which access to high quality postsecondary educational opportunities are increasingly becoming reserved for the elite. In more recent years, scholars have noted that this lack of access to educational opportunities continues in prison, and has historically been exacerbated by the United States government through the 1994 Crime Bill, which defunded all higher educational programs in prison (Martinez-Hill 2023). Estimates suggest there were 772 schools offering college programs to people in prison in 1994, but once the Crime Bill went into effect, only eight remained (Martinez-Hill 2023). As a lasting consequence of the 1994 Crime Bill, prison education programs today continue to rely primarily on private donations, which greatly constrains the number of students they can serve. Recognizing the urgent need for educational opportunities for the nation’s soaring prison population, Vera Institute of Justice partnered with select states in 2012 to fund postsecondary education programs in prison and pilot strategies that improved student engagement and success (Martinez-Hill 2023). This work inspired the U.S. Department of Education to launch the Second Chance Pell Experimental Sites Initiative (Second

Chance Pell) in 2015, which tested new models across 203 colleges in 48 states to allow incarcerated Americans to receive Pell Grants and pursue postsecondary education and training (Martinez-Hill 2023). Based on the learnings and data from the pilot program, Congress finally reinstated access to Pell Grants for incarcerated students in 2020 through the FAFSA Simplification Act, which is a “sentence-blind” law that makes it possible for thousands to pursue post secondary education behind bars, and created new evaluation and reporting guidelines for prison education programs to ensure that they are operating in the best interests of students (Martinez-Hill 2023). This provision went into effect on July 1st, 2023.

Those fortunate enough to participate in higher education in-prison (HEP) programming, largely due to Second Chance Pell, have placed significant emphasis on the ways in which education has served as the key to their success behind and – for some – beyond bars. After getting sentenced to a term beyond his life expectancy, Rahsaan Thomas, a journalist and published author formerly incarcerated in California, “needed a path to redemption in the eyes of [his] mother, [his] sons and society that didn’t involve going home. I came up with becoming a writer because my voice was the one part of me that was still free” (2022). Through education, Rahsaan learned the history of Black codes, unions, the New Deal, and other events that shaped the environment that shaped him (Thomas 2022). Additionally, he learned how political systems work and put that knowledge to use in advocating for the restoration of voting rights for incarcerated people in California (Thomas 2022). From gaining this worldview, he began to “look beyond the people who bullied [him] growing up and instead began to see the systems that pitted us against each other (Thomas 2022). His new perspective “made it easier to quit taking things personally, forgive others, let go of anger and heal” (Thomas 2022).

As such, many incarcerated individuals have gone to great – and at times dangerous – lengths to have access to these opportunities. In women’s prisons across Texas, numerous women hurt themselves to get out of jobs and go to school. Some may beat their ankle or wrist with a lock, fall in the workplace, or burn themselves in the kitchen with grease or on hot stoves (Shakur 2023). According to Sakina Shakur, formerly incarcerated in Texas,

people endure emotional turmoil to seek an education in prison. It’s a challenge beyond learning. That’s why something as simple as earning a certificate is such a big feat. It says we fought for something, overcame something, fought a giant and won (2023).

To that end, Sakina also voices that

it feels like the system doesn’t want us [incarcerated individuals] to make it. It feels like we are offered educational opportunities only because the system needs to look like it is contributing to the betterment of society (2023).

Despite incarcerated individuals' relentless desire to participate in higher education programming, education remains out of reach for most. Rogelio Richart, a writer incarcerated in Illinois, remarks,

how could it be that receiving an education is so callously left up to chance? Many inmates grow stagnant as they sit on a waiting list for years, only to be called up once their sentence nears completion. Some do their entire sentence without participating in any program. For context, I have been incarcerated for 3.5 years and have yet to participate in anything meaningful (2021).

The promise of Pell reinstatement could mean increased access to higher education for countless incarcerated individuals, and an increased potential (re)turn to the rehabilitative ideal of higher education programs in prison, which one would initially assume is unambiguously desirable. However, the relative inaccessibility of these programs and quality disparities across individual programs, prisons, and states mirrors the higher education system more broadly. While it is difficult to overstate the benefits of providing postsecondary education to incarcerated students, and important to recognize the accomplishments of existing prison education programs in helping to combat the harmful effects of mass incarceration, it is equally important to question why equal access to these programs remains relatively limited, and the ways in which colleges and universities can play a positive role in creating more just and rehabilitative criminal legal systems. Thus, this thesis will contribute to this literature by critically examining whether selected higher education in-prison programs in Connecticut, as they currently operate, ensure a true right to education for incarcerated students. Specifically, the key research question of this thesis is:

Research Question

1. Higher education in-prison programs are slowly increasing in the United States; what are the origins and benefits of these programs, both for the individual and state actors? What are their limitations?

Research Design

Case Studies/Unit of Analysis

To answer this research question, I will utilize a case-oriented, theory driven analysis of three higher education in-prison (HEP) programs in the state of Connecticut. Connecticut was chosen for two main reasons. First, although the Second Chance Pell program is federal policy, examining the state is particularly important for the purposes of my research because policy decisions are made at the state level. This not only means that educational discrepancies vary by state, but correctional budgets do too, which can have a great impact on the vitality and overall

effectiveness of HEP programs. Thus, in conjunction with evaluating these three HEP programs, I intend to conduct a comparative policy analysis of CT's constitution, case law, legislation, and budgeting data related to the right to education for those behind bars and beyond prison walls. Second, the number and diversity of HEP programs in Connecticut are often perceived as outliers amongst its New England peers and in the broader United States. However, I seek to critically examine whether the existence of these programs in Connecticut is enough to indicate that there is strong state commitment, reflected in policy and budgeting decisions, to prisons being places of rehabilitative promise, particularly through the investment of higher education in prison.

The three HEP programs that I will be examining are: Trinity College's Prison Education Project (TPEP) (in partnership with Quinnipiac University), Asnuntuck Community College's Prison Education Program, and Yale Prison Education Initiative, in partnership with University of New Haven's Prison Education Program. These three HEP programs were chosen for three reasons.

First, each program is at a different stage with their funding. Trinity College (a private, four year university), has not received the Second Chance Pell grant, while Asnuntuck Community College has received the grant since its inception in 2016. University of New Haven (a private, four year university) received the Second Chance Pell grant in 2022, and is the only private university in CT selected and participating in the program. University of New Haven is partnered with Middlesex Community College, which also receives Second Chance Pell, and Yale University, who does not receive the grant but arguably has significant investment/endowment power that may contribute to the possibilities and success of the HEP program. Examining the ways in which funding impacts the overall effectiveness of each HEP program is important, as this research may highlight a need – and obligation – for further state investment in supporting the goals of these programs.

Second, each HEP program is partnered with different correctional institutions that provide diverse avenues and insights for a comprehensive analysis of the right to education behind bars. Trinity College's program educates at York Correctional Center, a women's maximum security prison, which is important in investigating gender in the examination of HEP's availability, accessibility, acceptability, and adaptability to the right to education, and Hartford Correctional Center, one of the few programs nationally that operates in a jail, which will broaden the scope of our current understanding of HEPs as they have begun to extend beyond prisons. Asnuntuck Community College educates at MacDougall-Walker Correctional Institution, Osborn Correctional Institution, Carol Robinson Correctional Institution, and Willard-Cybulski Correctional Institution. The quantity of prisons Asnuntuck's program serves will be interesting to investigate, as the program's breadth may influence the quality of the HEP program within each respective institution. Yale/University of New Haven is currently educating at MacDougall-Walker Correctional Institution, the largest maximum security all-men's prison in New England, and Federal Correctional Institution (FCI) Danbury, a federal prison for men and

women. FCI Danbury will be a particularly pertinent case to explore, as the low-security nature of the prison may present unique opportunities for creative and expansive programming.

Third, each program offers different educational programs and degrees, which can broaden our understanding of what the right to education can mean. I deliberately chose programs that reflected this diversity, as I recognize that higher education can mean something different to one based on lived experiences, preferences, intellectual ability, etc. Trinity College offers credit-bearing classes that can be put towards Associate degrees or degrees post-incarceration. Asnuntuck Community College offers a variety of certificate programs through classroom-based instruction and online education in the disciplines of business administration, human services management and advancing manufacturing technology. Yale/University of New Haven offers two and four year degrees, with the intention of creating pathways for students who have been released to continue their educational pursuits. The diversity of these offerings across educational institutions are important to analyze, especially when considering the fact that many who participate in these programs are not on pathways to postsecondary degree attainment, especially those in jail, who are in liminal spaces of captivity while awaiting trial and sentencing. Yet, the access to and engagement with postsecondary opportunities continually holds an inherent power in social mobility and easing the challenges justice-impacted individuals often face once released.

Data Collection

To identify the origins, benefits, and limitations of HEP programs in Connecticut in ensuring a right to education for those behind bars, I will implement an empirical and theoretical analysis of CT educational and correctional policy related to the right to education for those behind bars and beyond prison walls, along with a close reading of primary and secondary sources. Of these primary sources are prison newspapers and articles written by currently and formerly incarcerated people, reports/related documentation of HEPs in CT, and interviews with director(s)/those heavily involved in each respective HEP program included in my case study.

Limitations

While I initially planned to interview currently and/or formerly incarcerated individuals who have participated in these selected HEP programs, I abandoned this idea in the acknowledgement that researching the intersections between education and incarceration means addressing the life experiences of deeply marginalized individuals who are always and already scrutinized and under systems of surveillance. Even when executed with the best of intentions, I recognize the difficulty of accurately representing and documenting the diversity and incredible nuances of incarcerated individuals' experiences. However, the analysis and testimony of those directly impacted remains a consequential part of the foundation for this project. Thus, I intend to utilize newsletters written by those in prison throughout my project, as they offer first-hand

accounts of resistance, survival, and creativity in the face of oppressive institutions, and empirical evidence of the ways in which the state may seek to censor or restrict knowledge production. I hope to gain additional insight and testimony of the benefits and limitations of HEP programs through interviews with those working directly in collaboration with incarcerated individuals through these programs.

Conceptualization and Measurement of Key Variables

This thesis draws on a range of methods to analyze the benefits and limitations of HEP programs. To attempt to consider all aspects of the right to education behind bars in the evaluation of these HEP programs, the following Conceptual Framework Table 1 (below) was developed. This table, drawing on international human rights doctrine and Katarina Tomaševski's primers, conceptualizes the right to education through four distinct but interrelated and indispensable categories: availability, accessibility, acceptability, and adaptability (Tomaševski 2001). I will operationalize this conceptualization of the right to education to analyze each HEP program. As I recognize the immense involvement of the state in guaranteeing a right to (higher) education, I will also be operationalizing this conceptual framework to evaluate the state's performance as it pertains to ensuring a right to (higher) education behind bars, and those beyond prison walls.

Conceptual Framework

TABLE 1 Principles of the Right To, In, and Through (Higher) Education

<p>I. Availability</p> <ul style="list-style-type: none"> ● <i>Question:</i> Where is the funding for these programs coming from? Are these allocations (federal, state, and/or private) sufficient for ensuring successful HEP programs? ● <i>Core Values:</i> Fiscal allocations matching human rights obligations, observance of human rights and labor law standards for teachers/educators, congruence between available education provision (formal schooling, private and out-of-school education) and students ● <i>Attributes:</i> Budgetary allocations based on the estimated cost of quality education for all obligatory, complemented by human rights correctives and remedies for non-compliance, identification of gaps in coverage of education and measures to close them 	<p>II. Accessibility</p> <ul style="list-style-type: none"> ● <i>Question:</i> What are the biggest barriers to ensuring a proper right to education behind bars within each institution/student population? Are there efforts to dismantle these barriers through these HEP programs and the state? ● <i>Core Values:</i> Elimination of legal and administrative barriers, identification and elimination of discriminatory denials of access ● <i>Attributes:</i> Elimination of merit-based acceptances into HEP programs, measures ensuring access to education for historically excluded and/or underrepresented individuals/communities, comprehensive strategy for the elimination of all obstacles (legal, administrative, financial, etc.)
<p>III. Acceptability</p> <ul style="list-style-type: none"> ● <i>Question:</i> Are these programs enforcing the minimal standards necessary to enhance other human rights beyond education? ● <i>Core Values:</i> Enforcement of minimal standards (quality, safety, medium of instruction, contents and methods of teaching, environmental health), freedom from censorship, recognition of incarcerated individuals as subjects of rights ● <i>Attributes:</i> Molding education to enhance all human rights 	<p>IV. Adaptability</p> <ul style="list-style-type: none"> ● <i>Question:</i> How have these programs adapted to the various needs of diverse student populations? ● <i>Core Values:</i> Adaptive to various needs of population and representative of the diversity of such ● <i>Attributes:</i> Course content reflective of diversity of students and their preferences (rights-based teaching: human rights safeguards for the contents of curricula and textbooks, methods of instruction and discipline, etc.), adjustment to language, religion, disability, environment, etc.

Much of my empirical analysis will be focused on evaluating these programs under this conceptual framework, in the assessment of whether a right to education, even at its most basic level, can both be guaranteed by the state and fully enjoyed in the particularly oppressive environment that prison fosters. However, I will also be engaged in a broader question, informed by political critical theory, of how we ought to, as a society, and a country, deal with the intersection between education and incarceration. Are we utilizing these programs as a form of crime control, rather than engaging with these programs for the primary acknowledgment of the non-conditional nature of the right to education, as an entitlement for all human beings regardless of a particular return, economic or otherwise? If we conceptualize education as a form of liberation, while simultaneously witnessing the historical and present day implications of the state denying a true right to education for those behind bars and beyond prison walls, then struggles for educational reform and prison abolition can no longer be viewed myopically as theoretical debates utilized by scholars and politicians, but crucially are tangible freedom struggles that are depriving hundreds of thousands of an essential component of democratic citizenry, which greatly threatens the state and nation's foundations.

Literature Review

As prison populations have soared in the United States, the conventional assumption that increased levels of crime explain the rise in mass incarceration is now widely contested. The classical, individualist school of thought, spearheaded by Bentham (1781) and Beccaria (1764), contend that crime is a rational choice made by a person in their consideration of maximum pleasure and minimum pain. Those who offend are considered to have succumbed to their “personal weaknesses” and should be held responsible for their actions and punished as a deterrent to themselves and others, in slightly greater severity than the crime itself (Bentham 1781; Beccaria 1764). Collectivists, such as Kluegel and Smith (1981), and Kellstedt (2000), believe that crime arises out of an unequal society, marked in particular by poverty and racial discrimination, in which people break laws to achieve the same level of success they see others attaining. Scholars who adhere to this school of thought believe that in order to lower crime, society must be made equal for all (Unnever et al 2008). Radicalists, such as Ruth Gilmore, Angela Davis, and Elizabeth Hinton, assert that crime arises out of an unequal society, marked by the criminalization of poverty and people, in which crime is a social construct (Davis 2003; Gilmore 2007; Hinton 2016). They believe that individuals harmed by this expansion of our prison nation is not arbitrary: “the over two million people locked up and warehoused in prisons and jails across the U.S. are poor, mentally ill, under-or uneducated, non-gender conforming, non-citizens, and/or non-white”, thus locating an oppressive form of power embedded in the state itself, as a fundamental component of Western authority (Davis 2003).

Michael Foucault's conception of the carceral state, which is located in modern institutions beyond formal incarceration that embody the regimens of authority, captivity, and subjugation that the prison system fosters is an important source for contemporary U.S. abolitionist literature (1975). The carceral state encompasses the formal institutions, operations,

and economies of the criminal legal system, but it also includes logics, ideologies, practices, and structures that invest in punitive orientations to difference, to poverty, and to struggles to social justice (Berger 2019). While Foucault's analysis of disciplinary power doesn't directly center the state, other radical critics have since drawn on Foucault's assertion that carceral power is essential everywhere in society. These scholars have captured the ways in which the state shapes and organizes society and culture through policies and logic of control, surveillance, criminalization, and unfreedom that function as an obstacle and a substitute for "humane solutions to social problems" such as poverty, racism, and other forms of inequality and discrimination, which therefore affects and diminishes us all (Davis 2003).

The initial impulse of scholarship on the carceral state was to focus on the ways penal ideologies, modes of surveillance, and economy are connected to the political sphere. Many scholars investigated post-slavery convict leasing in the South or carceral expansion post-1945, especially in the North and West (Berger 2019). Conceptually, while there are some exceptions (e.g., Muhammad 2010; Lytle Hernandez 2017), literature has concentrated most heavily on the prison and, increasingly, the police in the late 20th century (Berger 2019), leaving the intersections between the carceral state and various societal institutions and agencies relatively unexplored. In acknowledgment of this gap in the literature, some scholars, such as Erica Meiners, have utilized the term "carceral state" to highlight the multiple and intersecting state agencies and institutions that have punishing functions and/or effectively regulate poor communities: child and family services, welfare/workfare agencies, public education, immigration, health and human services, and more (2011; Roberts 1997; Wacquant 2009). Others, such as Hewitt, have theorized the "school-to-prison pipeline" in connection to the carceral state to identify the targeted under or un-education of particular populations, in the state's attempt to keep certain communities in permanent detention (2010).

However, higher education has largely been neglected in the mainstream scholarly literature. Scholars have insufficiently examined the ways that these punitive, discriminatory structures are reproduced in our everyday lives through the inaccessibility of the higher education system, for not only those who are incarcerated, but also those beyond prison's walls. Utilizing Foucault's, Davis', and other radical abolitionist scholars' conceptualization of the reach of the carceral state, this connection is of particular importance in the age of mass incarceration, as the contemporary economies of imprisonment privilege the profitability of punishment at the expense of human education and transformation (Davis 2001, 3). As budgets for corrections expand and funding for higher education contracts, the state's visions about the future of select youth are clear, and the quality, accessibility, and viability of higher education is severely jeopardized (Meiners 2011).

The following section provides an overview of some of the nuances included in the relevant work in this discussion, with a specific focus on the outcomes and possible transformations of higher education in-prison programs (HEPs) under the constraints of the current carceral state. These areas of contention will later be drawn upon in analyzing the

benefits and limitations of existing HEPs in the United States and Connecticut, and the larger theoretical arguments surrounding the right to education.

Higher Education In-Prison Programs: Outcomes and Transformations

Scholarly literature on outcomes of HEP programs in relation to the carceral state provide a rich ground for this research project. Given that the impact of these programs, especially related to the broader reform/abolition of the carceral system – and their intended aims, particularly related to recidivism – are an area of intense debate, two main schools of thought have emerged: higher education programs being an instrumental good, grounded in anti-recidivist logic, versus others who push for a human rights based approach beyond recidivist and rehabilitative promise, locating HEPs as potential sites of liberation in the midst of institutions that often strip individuals of their humanity (Vacca 2004; Castro 2015; Abouras 2023; Lee 2022).

On the one hand, scholars have mainly looked at HEPs as wholly beneficial to both incarcerated individuals and society writ large (Vacca 2004). Historically, they have focused narrowly on HEP's potential to – and success in – reducing recidivism rates amongst formerly incarcerated individuals. Since 1990, the literature has shown that incarcerated individuals who attend education programs while in prison are less likely to return to prison following their release (Vacca 2004, 297). These statistics have been utilized by activists and politicians alike to advocate for the state's re-engagement in prison education programs, for the potential these programs have indicated in reducing the likelihood of further offenses and criminal activity, and the economic benefits that inherently come with keeping people out of prison.

However, scholars like Castro contend that the carceral state is rooted in every institutional structure in the United States (2015). As such, she posits that we must problematize and reckon with the ways in which the good and bad in prison education programs is twofold (Castro 2015). This is especially pertinent when contemplating whether a true right to education can be enjoyed under an oppressive environment, or so-called “campuses of dehumanization” (Scott 2018, 13) (Castro 2015). Rachel Abouras advances this argument, insisting that we examine how a “redemption, recidivism narrative” that often surrounds higher education in prison work can reinforce the idea that incarceration can be a positive, constructive experience and by that same token, prison in and of itself is misconstrued as a positive, constructive environment (2023). Castro and Abouras contend that because mass incarceration functions to dehumanize, higher education has an opportunity to engage in prisons as a process of humanization and liberation (Abouras 2023; Castro 2015, 30). They argue, however, that the provision of postsecondary education via anti-recidivist logic is limiting because it necessitates the incarcerated as eternal criminalized subjects; if reduced recidivism is the primary goal, then it only makes sense to provide higher education to individuals who are incarcerated because they are criminals (Abouras 2023; Castro 2015). Providing postsecondary education in prisons through anti-recidivist logic is parasitic upon a criminalized subjectivity, as they are forever

measured by the recidivist metric from the moment they enter the prison system, and their criminalized subjectivity is only fueled through the use of anti-recidivist logic because they will continue to be assessed and judged according to their criminality (real, imagined, or predicted) (Castro 2015, 28).

Thus, Castro and Abouras contend that rather than prioritizing an anti-recidivist focus, what we truly need is a societal-level transformation that questions the entire carceral state, from educational pipelines that funnel lower income students and students of color into prisons to gross racialized inequality within the justice system (Castro 2015; Abouras 2023). In order to actualize liberatory higher educational experiences for people in prison, abolitionist scholars demand that educators, policymakers, and practitioners must subsequently see individuals in light of their potentiality beyond their incarcerated state, which requires a dismantling of the punitive, dehumanizing logics, ideologies, practices, and structures that encompass the carceral state (Castro 2015; Davis 2003; Abouras 2023).

Building on abolitionist literature, human rights scholars provide an important framework for critically evaluating the potential transformation of existing and future HEP programs, moving beyond anti-recidivist logic and instead exemplifying *the non-conditional nature of the right to education*; “education is not seen to be justified by a particular return, economic or otherwise. It is seen to be an entitlement for all human beings, whether or not they subsequently go on to contribute to gross domestic product (GDP) or make some other contribution to society” (McCowan 2013, 12). Jane Kotzmann, drawing on the widespread recognition that the right to higher education has received in both international and domestic legal instruments, advances McCowan’s assertion, contending that the right to education, as with all human rights, is a right to which all human beings are equally entitled ‘from childhood until the end of life’ (2018, 26). In essence, this entitlement means that all people should have an equal opportunity to access education, regardless of their race, sex, nationality or any other differentiating characteristic or grounds (Kotzmann 2018, 26). Human rights literature also highlights the ways that the right to education functions as a “multiplier” or “empowerment” right as well as an essential means to promote other rights, the enjoyment of which enhances all rights and freedoms while its violation jeopardizes them all (Kalantry et al. 2010). The subsequent denial of the right to education “leads to compounded denials of other human rights and a perpetuation of poverty”, which points further to its fundamental nature, especially for incarcerated individuals whose rights are already being violated through punitive policies and practices (Kalantry et al. 2010, 260).

The human rights literature on the right to education also holds that education in all its forms and at all levels shall exhibit the following interrelated and essential features: availability, accessibility, acceptability, and adaptability (Kotzmann 2018). Human rights scholars who have examined the advantages and limitations of HEPs have utilized these four features to move beyond the common notion that some education, no matter how poorly constructed or censored, is better than no education, and have subsequently interrogated the modes of censorship and resistance that occur in educational spaces in prisons. While academic freedom is considered a birthright in higher education, there is ongoing resistance to teaching theories that deconstruct

and challenge white dominant norms in prison spaces. Scholars like Amos Lee find it necessary to challenge this institutional censorship, and to counter the majoritarian view espoused by the US Department of Education regarding the Second Chance Pell Experimental Sites Initiative, which frames the main benefits of HEP programs as a tool to reduce recidivism and provide opportunities for rehabilitation (2022, 67). Under this view, she argues, it might not matter if prisons ban colleges from teaching about race and racism, since they can just offer other courses that do not broach issues of power imbalance and inequality (Lee 2022). However, based on the legacy of US racism that is reflected in the carceral structure, Lee contends that HEP programming should be critical of ahistorical notions that support the myth of meritocracy and blind justice and actively challenge carceral logic that views education solely as tools for rehabilitation and reduced recidivism (2022, 69). She believes that the goal of HEP programming should not be to prop up the carceral state and its institutions, but rather should provide a space where incarcerated students can pursue knowledge with the least amount of interference, regulation, or oppression possible (Lee 2022, 78).

Thus, abolitionist and human rights scholars' critical examination of the carceral state's connection to higher education and the interrogation of the state's purported purpose of these programs, their conception of the right to education as a fundamental right, necessary for the advancement of other basic rights irrespective of incarceration status, and their prioritization of moving beyond anti-recidivist logic when examining the potential outcomes of HEPs, provides a valuable framework for analyzing HEP's benefits and limitations, identifying areas of improvement, and theorizing if liberatory approaches to college-in-prison programming can be incorporated into the broader abolitionist struggle against the carceral state, or be antithetical to such.

Chapter Outline

This thesis builds on the previous studies of the intersections between the carceral state and higher education and moves the theoretical debate forward by assessing whether a true right to education can be enjoyed under an oppressive environment through the evaluation of higher education in-prison programs in Connecticut, and highlights the obligations that the state and higher education institutions have in engaging in prisons as processes of humanization.

Chapter Two focuses on the origins of carcerality and captivity, presenting a continuity between the legacies of slavery and the criminalization of poverty to higher education's exclusivity and inaccessibility under the current political climate. In exemplifying this continuity, the chapter also critically examines the state's guarantee of a right to K-12 education in Connecticut, utilizing the 4-A Scheme Right to Education Primers.

Chapter Three narrows the focus to higher education in prison, evaluating three of Connecticut's existing HEP programs. It assesses their advantages and limitations under a human rights framework. It will also inquire and engage with the ways that the colleges and universities that do offer HEP programs, despite the opportunities it may provide for incarcerated students, may remain complicit in the prison industrial complex, mass incarceration, and the general inaccessibility of their own institutions for those beyond prison walls.

Chapter Four provides policy recommendations for HEP programs, colleges/universities, and the state that situate education reform as a central component of rethinking our systems of punishment and justice, as well as our democracy. These may work to not only revolutionize higher education in prison, but could be incorporated into the larger struggle of abolition, for dismantling the institutions and structures that benefit from and/or contribute to the repressive, discriminatory nature of the carceral system more broadly. It will ask us to reflect on what it would mean for the right to education to be considered and fully actualized as a fundamental right for all members of society, why it remains an exclusionary and contentious concept in the eyes of the state, and our responsibility, as academics, to challenge institutional structures that continue to lock people out of educational opportunity and liberation.

II.

The Origins and Present-Day Implications of the Neoliberal Carceral State's Impact on the Right to Education

“Amongst long-term convicts, of which I am one, there is a universal feeling that we don't count. We have been forgotten. This landfill (prison) is where our America throws its trash, and simply hopes it never has to look upon that rubbish again. Because society tends to rid itself of things that are no longer useful—trash, we trapped bodies, men of all hues, have been placed here, thrown here, discarded, forgotten, or as one of my friends says, “consciously dis-remembered.” Some say, one person's trash is another's treasure. Here, in these landfills, America's trash, once cleaned up (with education), once repaired (taught—in academic settings), once embraced and given new worthiness (free and productive), trash becomes elements to be treasured. *To educate is a humane act.* To deny education, to an attentive student, is immoral” (Castro et al 2015).

II. Section I

Captivity and Criminality: the Origins of Carcerality

From the earliest hours of the nation's formation, prisons were conceptualized as a contemporary intervention and an Enlightenment ideal aimed at expressing liberty through its negation (Hernández et. al 2015). Captivity, as Caleb Smith and Dan Berger argue in their monographs, has been fundamental to American freedom from the beginning (Hernández et. al 2015). These conceptions of punishment and constraint have evolved into one of carcerality, which similarly operates as a fundamental component of Western authority. Carcerality is reflected not only in physical locations or institutions, but equally within a set of logics and practices that have become embedded in the state itself, and, as a consequence, continues to greatly influence how we, as a society, conceive safety/security, punishment, justice, and, ultimately, who is deemed worthy of personhood (Marie DeLombard 2019). As distinguished legal scholar Michelle Alexander instructs, those imprisoned are “the one social group in America we have permission to hate” (2011).

It has become commonplace to attribute the origins of carcerality, the racialization of crime, and the criminalization of race in the United States to the post-emancipation transfer of a captive African American population “from plantation to prison” in the aftermath of the Civil War and the Thirteenth Amendment (Marie DeLombard 2019). While it is undeniable that the presumptive identity of Black men [and women] as ‘slaves’ evolved into the presumptive identity of ‘criminal’, and we have yet to fully move beyond this historical paradigm, it is vital to recognize that this process commenced not with the Thirteenth Amendment but at the end of the previous century, shortly after the nation's founding (Marie DeLombard 2019). The new states of the Northeast began, at this time, to gradually abolish slavery; this “first” Reconstruction coincided with the equally gradual rise of the penitentiary as an alternative to public corporal

punishment (Gilmore 2007). Prison and slavery came to define the boundaries of citizenship, and, in this sense, were two sides of the same coin.

By the mid-nineteenth century, the “end” of slavery collapsed the boundaries of citizenship and race. With the passage of the Thirteenth Amendment to the Constitution, slavery and involuntary servitude were putatively abolished (Marie DeLombard 2019). However, there was a significant exception. In the wording of the amendment, slavery and involuntary servitude were abolished "except as a punishment for crime, whereof the party shall have been duly convicted." In the immediate aftermath of slavery, the southern states subsequently hastened to develop a criminal legal system that could legally restrict the possibilities of freedom for newly released slaves (Davis 2003). Black people became the prime targets of a developing convict lease system, referred to by many as a reincarnation of slavery; the appalling treatment to which convicts were subjected under the lease system recapitulated and further extended the regimes of slavery (Davis 2003, 29-33). Former slave states also passed new legislation revising the Slave Codes in order to regulate and surveil the behavior of free Black people in ways similar to those that had existed during slavery (Davis 2003, 28). The new Black Codes prohibited various behaviors, including vagrancy, absenteeism from work, violation of job contracts, possession of firearms, and insulting gestures or actions (Davis 2003, 28). According to the Black Codes, these were crimes defined by state law for which only Black people could be "duly convicted" (Davis 2003, 28). Therefore, individuals who had previously been enslaved, recently freed from a lifetime of forced labor, could now be lawfully sentenced to penal servitude. The Thirteenth Amendment's slavery loophole subsequently created the legal preconditions for mass imprisonment of the formerly enslaved and of indigenous populations and non-European immigrants on an unprecedented scale.

The efforts to control and contain in the late twentieth-century further criminalized and surveilled low-income, BiPOC through a new and historically distinct phenomenon that Ruth Gilmore identifies (2007). From the onset of Reconstruction in 1865 to the initiation of the War on Crime in 1965, the systematic criminalization and imprisonment of newly freed people and their descendants influenced law enforcement practices at local and state levels. The prolonged engagement in the War on Crime did not merely revive the old racial caste system under a different guise. Instead, it led to a punitive transformation of domestic policy, giving rise to an expanded carceral state following the dismantling of Jim Crow. This transformation, marked by the establishment of militarized police forces and a criminal legal system capable of sustaining a heightened incarcerated population, resulted in a distinctly different approach to social control and state authority than the one previously established (Davis 2003).

Within the Great Society, federal policymakers merged equal opportunity and crime control programs. This confluence aimed to satisfy policymakers' desire to expose poor Americans to dominant values while suppressing groups of “anti-social” and “alienated” Black youth, who officials held responsible for incidents of collective violence in the late 1960s (Gilmore 2007). National priorities shifted from fighting Black youth poverty to combating Black youth crime, leading to the introduction of new patrol and surveillance measures in

targeted urban communities (Gilmore 2007). The absence of programs providing concrete access to decent shelter, education, and employment contributed to the increase in poverty and crime over the following fifteen years of the national law enforcement program (Gilmore 2007). By the time Ronald Reagan assumed office in 1981, African Americans found themselves vulnerable on two fronts: battling each other and contending with the institutions and policies formulated by federal policymakers to combat the War on Crime (Gilmore 2007). Collectively, the fundamental tactics of the national law enforcement program—preemptive patrols targeting ongoing robberies, sting operations fostering underground economies, juvenile delinquency policies criminalizing generations of Black youth while treating their White counterparts leniently, firearms sanctions involving federal law enforcement presence on the streets, Career Criminal court units establishing a streamlined criminal justice system for gang members, and security initiatives transforming housing projects into quasi-detention centers—intensified the inclination toward internal violence and imprisonment, thereby widening the structures of criminalization (Perry 2016).

The implementation of these measures ultimately led to the emergence of a historically unique carceral network, comprising punitive and social welfare institutions (Gilmore 2007). Its intellectual underpinnings were rooted in statistical discourses of Black criminality and pathologized perceptions of poverty (Gilmore 2007). In effect, the federal government's long mobilization of the War on Crime promoted a particular type of social control, one that signals that the targeted arrest of racially marginalized Americans and the subsequent creation of new industries to support this regime of control are among the central characteristics of domestic policy in the late twentieth century, decisions that had immeasurable consequences for low-income Americans and the nation (Gilmore 2007). However unintended some of these choices may have been at different times and in different political moments, the bipartisan consensus of policymakers fixated on the policing of urban space and eventually removing generations of young men and women of color from their communities to live inside prisons has led to a *carceral state* that is unprecedented in scope and power. As a consequence, the carceral state has become a fundamental component of Western authority, reflected not only in physical locations or institutions such as prisons, schools, and hospitals, but equally within a set of punitive logics and practices that have become embedded in the state itself, and, as a consequence, has come to greatly influence how we, as a society, conceive safety/security, punishment, justice, and, crucially, who is deemed worthy of personhood.

II: Section II

Building the Neoliberal Carceral State: A Shift from a Social to Penal State

As evidenced above, the carceral state today comprises an entire apparatus of institutions that aims to govern, criminalize, confine and control minority populations; the state utilizes these punitive systems as tools for incapacitation and pacification (Gottschalk 2015, 21). While no single factor explains its rise, the “race to incarcerate” began in the 1970s at a time when states faced dire financial straits (Gilmore 2007). It persisted over the next four decades despite wide fluctuations in crime rates, public opinion, and the economy (Gottschalk 2015, 35). The carceral state’s surge coincided, uncoincidentally, with the rise in neoliberalism in the wake of a new government of social insecurity put in place in the United States in the 1970s, which was characterized by a shift from the social to the penal wing of the state, detectable in the reallocation of public budgets, personnel, and discursive precedence, and the colonization of the welfare sector (Wacquant 2010, 201).

The slanting of state activity from the social to the penal arm, the incipient penalization of welfare, and the new priority given to duties over rights, sanction over support, the stern rhetoric of the “obligations of citizenship”, and the martial reaffirmation of the capacity of the state to lock the trouble-making poor (welfare recipients and the incarcerated) “in a subordinate relation of dependence and obedience” toward state managers portrayed as virile protectors of the society against its wayward members has created a not-so-hidden order of politics that views some populations, especially those marginalized by class, race, ethnicity, or immigration status, as excess populations to be removed from the body politic, relegated to sites of terminal containment or exclusion (Wacquant 2010). Marked as disposable, such populations become targets of an eternal apparatus of state surveillance, violence, captivity, and domination. Pushed into debt, detention centers, psychiatric institutions, and sometimes prison, the alleged human ‘waste’ of free-market capitalism now inhabits zones of terminal exclusion – zones marked by forms of social and civil death, evidenced by disenfranchisement, housing and employment discrimination, unequal access to education and healthcare, and social stigmatization that are present long before and after one may enter prison’s gates (Wacquant 2010, 201).

II: Section III

Implications for a Right to Education in Connecticut

One dire consequence of the rise of the neoliberal carceral state is that social problems are increasingly criminalized, while social protections are either eliminated or fatally weakened (Gilmore 2007). These troublesome logics and practices have spilled into virtually every institutional structure, attempting to undermine opportunities for liberation for the marginalized, especially within education. Despite education's innate importance and its increasingly vital role in life chances, citizen formation, and social mobility, especially in breaking generational cycles of poverty and carceral continuums, many – particularly BiPOC students – continue to be locked out of these institutions and opportunities, and instead locked up due to zero-tolerance student-discipline policies, over-policing, and inadequate resources in public schools, which can be more broadly defined as the school-to-prison pipeline (Davis 2003).

Connecticut's education system has been especially impacted by neoliberalism, having severe ramifications for the availability, accessibility, acceptability, and adaptability of the right to education. Based on the obtained data from primary and secondary sources, the current state of the right to education in Connecticut was evaluated through a human rights framework provided below. By utilizing this framework, it emphasizes an inherent governmental obligation to ensure the right to education. The interconnected, yet indispensable nature of human rights highlights the ways in which the right to education stretches far beyond education itself. Acting as a multiplier right, the right to education enhances the enjoyment of all individual rights and freedoms where it is effectively guaranteed, while depriving people of the enjoyment of many rights and freedoms where it is denied or violated.

Conceptual Framework

TABLE 2 *Principles of the Right To Education in Connecticut*

<p>I. Availability</p> <ul style="list-style-type: none"> ● <i>Question:</i> Are state budget allocations sufficient for ensuring equitable, quality education for all? ● <i>Core Values:</i> Fiscal allocations matching human rights obligations, schools matching school-aged children (number, diversity), observance of human rights and labor law standards for teachers/educators, congruence between available education provision (formal schooling, private and out-of-school education) and students ● <i>Attributes:</i> Budgetary allocations based on the estimated cost of quality education for all obligatory, complemented by human rights correctives and remedies for non-compliance, identification of gaps in coverage of education and measures to close them 	<p>II. Accessibility</p> <ul style="list-style-type: none"> ● <i>Question:</i> Has the state identified the biggest barriers to ensuring a proper right to education? Are there efforts to dismantle these barriers by the state? ● <i>Core Values:</i> Elimination of legal and administrative barriers, elimination of financial obstacles, identification and elimination of discriminatory denials of access ● <i>Attributes:</i> Measures ensuring access to education for historically excluded and/or underrepresented individuals/communities, comprehensive strategy for the elimination of all obstacles (legal, administrative, financial, etc.)
<p>III. Acceptability</p> <ul style="list-style-type: none"> ● <i>Question:</i> Is education in CT enforcing the minimal standards necessary to enhance other human rights beyond education? ● <i>Core Values:</i> Enforcement of minimal standards (quality, safety, medium of instruction, contents and methods of teaching, environmental health), freedom from censorship, recognition of children as subjects of rights ● <i>Attributes:</i> Molding education to enhance all human rights 	<p>IV. Adaptability</p> <ul style="list-style-type: none"> ● <i>Question:</i> Have these programs adapted to the various needs of diverse student populations? ● <i>Core Values:</i> Adaptive to various needs of population and representative of the diversity of such ● <i>Attributes:</i> Course content reflective of diversity of students and their preferences (rights-based teaching: human rights safeguards for the contents of curricula and textbooks, methods of instruction and discipline, etc.), adjustment to language, religion, disability, environment, etc.

TABLE 3 *Evaluation of the 4-A Scheme of the Right To Education in Connecticut*

Availability	<p>Schools:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Adequate infrastructure <input type="checkbox"/> Budgetary allocations/funding based on the estimated cost of quality education for all <ul style="list-style-type: none"> <input type="checkbox"/> Equity and adequacy in education funding across districts <input type="checkbox"/> Schools matching school-aged children (number, diversity) <p>Teachers:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for recruitment/fitness for teaching¹ <input checked="" type="checkbox"/> Labor rights, trade union freedoms <input type="checkbox"/> Livable wages, pay equity² <input checked="" type="checkbox"/> Academic freedom³
Accessibility	<p>Compulsory:</p> <ul style="list-style-type: none"> <input type="checkbox"/> All-encompassing <input checked="" type="checkbox"/> Free-of-charge⁴ <input checked="" type="checkbox"/> Parental freedom of choice⁵ <p>Post-Compulsory:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Eliminating discriminatory denials of access <input checked="" type="checkbox"/> Criteria for admission
Acceptability	<p>Regulation and Supervision:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum standards of health and safety⁶, professional requirements for teachers <ul style="list-style-type: none"> <input type="checkbox"/> Quality education across public and private schools <input checked="" type="checkbox"/> Freedom from censorship⁷ <input checked="" type="checkbox"/> Recognition of children as subjects of rights
Adaptability	<ul style="list-style-type: none"> <input type="checkbox"/> Course content reflective of diversity of students and their preferences <input type="checkbox"/> Adjustment to language, religion, disability, environment, etc

¹Connecticut State Department of Education. (2003). “Connecticut Code of Ethics/Code of Professional Responsibility for Teachers: Section 10-145d-11”. https://portal.ct.gov/-/media/SDE/Certification/ethics/code_teachers.pdf.

² Over 90% of teachers surveyed in Connecticut Education Association’s 2023 [report](#) are asking for a livable wage; pay equity is one of the biggest factors in the growing teacher shortage in the state. Most schools encourage teachers to have a master’s degree but pay them significantly less than other professions.

³ Newtown Public School District (2022). “Board of Education Policies: P4118.21 Academic Freedom and Responsibility Policy”.

<https://newtown-policies.campuscontact.com/4118.21.4218.21-AcademicFreedomandResponsibility>.

While this legal provision does exist, it does not, however, guarantee that academic freedom is being ensured throughout school districts across the state. Educators who were surveyed in a 2023 report by the Connecticut Education Association reported a need for more teacher autonomy for class instruction, which may signal a gap between the passing of the provision and its full implementation.

⁴ Constitution of the State of Connecticut. (1965). “Article Eighth of Education, Section 1”.

<https://portal.ct.gov/SOTS/Register-Manual/Section-I/Constitution-of-the-State-of-Connecticut>.

“There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.”

⁵ Teach CT (2023). “CT General Statute, Sec. 10-184. Duties of Parents – School Attendance Age Requirements”.

<https://www.teachct.org/ct-law/general-statute/#:~:text=The%20parent%20or%20person%20having%20control%20of%20a%20child%20five%20seven%20years%20or%20age>.

⁶ While the state meets the minimum infrastructure, health, and professional standards, the prevalence of gun violence and school shootings across the nation – but especially historically in CT – continues to threaten the minimum standards of safety necessary for students to fully enjoy their right to education.

⁷ [Bill No. 1056](#); CT has yet to officially ban any books, though the state has seen sharp increases in calls to [ban books](#) from public libraries and schools from anonymous inquiries. Furthermore, while my findings conclude that CT schools do generally have a freedom from censorship, it is important to note that instruction and textbook material may not be fully representative of lesser-known/discussed histories, cultures, etc, which some may perceive as a form of censorship. For the purposes of my analysis, however, I did not have sufficient data to make a fair assessment of instructional or textbook material across CT K-12 schools.

Availability, Accessibility, Acceptability, and Adaptability of the Right to Education in Connecticut

According to human rights scholars and international human rights doctrine, the four “A’s” included in the Right to Education Primers are availability, accessibility, acceptability, and adaptability, which, when taken together, demand that:

- Education be free and government-funded, and that there is adequate infrastructure (transportation, textbooks, safe buildings), budgeting allocations, and trained teachers to support meaningful education delivery (Tomaševski 2001).
- The system is non-discriminatory and accessible to all, and positive steps are taken to include the most marginalized (Tomaševski 2001).
- That the content of education is relevant, non-discriminatory and culturally appropriate, and of quality; schools themselves are safe and teachers are professional (Tomaševski 2001).
- That education can evolve with the changing needs of society, contribute to challenging inequalities, and be adapted locally to suit specific contexts (Tomaševski 2001).

Although Connecticut's K-12 education system meets certain criteria, including sufficient infrastructure, free compulsory education, basic health and safety standards, professional development, and minimal censorship, its overall performance is dismal. The state ranks among the highest in school segregation nationwide, making it nearly impossible to provide equitable, quality education that reflects and accommodates the diverse needs and identities of students across all districts and school types (Caplan 2016). In September 2020, the School and State Finance Project released a report examining racial disparities in Connecticut education funding and segregation across the state’s school districts. They ultimately found that there is a \$312 million funding gap between districts with the highest populations of BiPOC students and districts with the highest percentages of white students: majority BiPOC population districts spend roughly \$2,300 less per student than majority white population districts (2020). Despite tending to have the highest poverty rates, per-student spending is lowest in districts with enrollments made up of more than 75% BiPOC students (School and State Finance Project 2020). In short, these budgeting disparities create a snowball effect that leaves schools in underfunded, poorer areas of the state without the resources, teachers, and support necessary for its students to succeed.

In the Connecticut Supreme Court case *CCJEF v. Rell* (2018), the trial court’s findings further exemplify the dramatic differences in educational outcomes between the state’s more affluent and less affluent communities. The court found that students in struggling elementary schools in poor communities are not acquiring basic reading, writing, and math skills, and that virtually none of the students in many inner-city schools have the skills needed to progress

beyond third grade (2018). On the 2013 Connecticut Academic Performance Test (CAPT) mathematics assessment, over 38 percent of students in New Britain, over 41 percent of students in Bridgeport, and nearly one half of all Windham students scored in the “Below Basic” range (2018). In more affluent towns such as Westport and Weston, by contrast, the number of students scoring in the “Below Basic” range was negligible (2018). The trial court also found that a number of the state’s schools are “utterly failing”, and that one third of high school students in poorer communities such as Bridgeport, Windham, and New Britain fail to reach even the most basic levels in math and reading (2018). In the trial court’s words, “[n]ot reaching the most basic level means they [do not] have even limited ability to read and respond to grade level material. There can be no serious talk of these children having reached the goals set for them” (2018). With respect to economically disadvantaged students, the court found that Connecticut’s fourth and eighth grade students who qualify for free and reduced lunch services rank among the lowest in the nation on National Assessment of Educational Progress (NAEP) math assessments (2018). Between 80 and 90 percent of the state’s poor students failed to reach the minimum standards for high school reading as assessed by Smarter Balanced Assessment Consortium (SBAC) tests; more than 70 percent of the impoverished students entering the state’s higher education system lack basic literacy and numeracy skills” (2018). No more than 15 percent of high school graduates in Bridgeport, Hartford, New Haven, and Waterbury were deemed to be college and career ready; as judged by Preliminary Scholastic Aptitude Test (PSAT) scores, less than 2 percent of students in Bridgeport were on track to be college and career ready” (2018).

The CCJEF case was first brought in 2005, and was resuscitated by the CT Supreme Court in 2010, where they held in a 4-3 decision that the Connecticut Constitution guarantees an enforceable right to adequate educational opportunities. Writing for the plurality at the time, Justice Flemming Norcott concluded, “The Connecticut Constitution guarantees Connecticut’s public school students educational standards and resources suitable to participate in democratic institutions, and to prepare them to attain productive employment and otherwise contribute to the state’s economy, or to progress on to higher education” (2018). The case was then tried in the Superior Court, and in 2016 Judge Moukawsher ruled that the state’s system of funding education violates article eighth, § 1, of the Connecticut Constitution (2018). On January 17th, 2018, however, the CT Supreme Court reversed the 2016 decision, and ordered a judgment to be entered for the state. Despite the stark evidence of educational inequality, the Court held in a 4-3 decision that although there is:

an imperfect public educational system in Connecticut that is straining to serve many students who, because their basic needs for, among other things, adequate parenting, financial resources, housing, nutrition, and care for their physical and psychological health are not being met, cannot take advantage of the educational opportunities that the state is offering”, “it is not the function of the courts...to create educational policy or to attempt by judicial fiat to eliminate all of the societal deficiencies that continue to frustrate the state’s educational efforts (2018).

The Court ultimately found that the State of Connecticut had satisfied its constitutional requirement to provide a minimally adequate public educational system, and reversed the Superior Court's ruling that the State violated Article eighth, § 1 of the Connecticut Constitution by not having educational policies and spending practices that are "rationally, substantially and verifiably connected to creating educational opportunities for children" (2018).

Even within the dissenting opinions of the case, paradoxical statements were made. At the same time as the dissenters acknowledged the ways in which "a sound education is the 'very foundation of good citizenship', of which must be made available to all on equal terms, and how "it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education", they simultaneously contend that requiring that each student actually be "adequately educated" would place an "unreasonable burden" on the state, insofar as schools "cannot be constitutionally required to overcome every serious social and personal disadvantage that students bring with them to school, and that seriously hinder(s) the academic achievement of those students"" (2018).

While the CCJEF case and 4-A scheme evaluation concerned public, K-12 education, it has larger implications for the status of the right to education in the state. If CT is seen as a national leader (CT Gov 2020) in providing quality K-12 education, this analysis begs the question: for who, and in what schools? Furthermore, if the state fails to provide a true right to education at the K-12 level, even when they have declared education to be a fundamental right (*Horton v. Meskill* 1977) and have acknowledged how these resource and funding discrepancies seriously hinder the academic achievement of some of their most vulnerable students, it leaves us seriously doubtful that the state will prioritize providing quality higher education opportunities when they fail to at education's most basic level.

These educational discrepancies along racial and socioeconomic lines of course, unsurprisingly, extend to higher education, and are worsened by neoliberalism's reconceptualization of students as consumers, as higher education has increasingly been commodified. The commodification of higher education has gone hand in hand with expansive cuts in national and state higher education budgets, increasing tuition fees, precarious working conditions and gender pay gaps, and a replacement of critical learning with mastering test-taking, memorizing facts, and learning how not to question knowledge or authority (Giroux 2014). Pedagogies that unsettle common sense, make power accountable, and connect classroom knowledge to larger civic issues have become dangerous at all levels of schooling, turning the notion of intellectual freedom into the desire to consume and invest exclusively in relationships that serve only one's individual interests (Giroux 2014). This market-based approach to higher education is generally characterized by the introduction of or increase in tuition fees, a shift towards privatization, an encouragement of competition between higher education providers, and the treatment of higher education as an export commodity (Kotzmann 2018, 62-63). According to Jeffrey Williams, the neoliberal approach "represents a shift in the idea of higher education from a public entitlement to a private service"; as a result, government intervention is minimized (Kotzmann 2018, 64). Rather than ensuring true access to higher education, the state's role is to

ensure that the market for higher education is operating efficiently (Kotzmann 2018, 64). As a consequence, higher education's value is increasingly ascribed to its instrumental role in assisting people to participate in the labor force and subsequent benefits to the economy; investment in education is thus considered an "investment in human capital" (Kotzmann 2018, 65).

Connecticut came in dead last in the country for having the biggest disparity amongst Black and white individuals with college bachelor's degrees (Fitch 2023). Wealth remains the main factor for who applies and attends elite colleges and universities in the nation, but especially in Connecticut – Trinity College has the highest correlation between wealth and application and attendance rates in the state: applicants from the top 0.1% are 5.9 times as likely to apply, and 8.6 times as likely to attend in comparison to the average applicant (Coval & Arevalo 2023). Crucially, this demonstrates that the right to education – both at the K-12 level and especially in higher education – does not truly exist for all of the state's constituents, and therefore cannot be fully actualized. Instead, it has increasingly become reserved for its most wealthy, white counterparts, which not only negatively impacts equity and social justice, but greatly amplifies the harmful effects of the neoliberal carceral state on the state's most vulnerable populations.

II: Section IV

Implications for Justice Impacted Individuals' Right to (Higher) Education

In developing an understanding of the interconnected punitive, exclusionary aims of the neoliberal carceral state and the neoliberal approach to higher education ever-present in the United States and Connecticut, and the subsequent failure of the state in ensuring the right to education for those beyond bars, it is hardly surprising that the lack of meaningful, quality higher education opportunities continues – and worsens – in prison. Connecticut is not immune to the logics and practices of the neoliberal carceral state and its influence on higher education access and quality for incarcerated individuals, either. Connecticut has the highest incarceration rate in New England. The failure of the state to guarantee a right to education well before one becomes incarcerated is not only highlighted in Tables 3, 4 and 5, but is further exemplified in the disproportionately high illiteracy rates in prison – 3 out of 5 incarcerated people are illiterate (McLoughlin 2023). In CT, half of people in prison do not have a high school diploma, and many enter school programs with skills around a fourth or fifth grade level (McLoughlin 2023). Black and low-income individuals are incarcerated at disproportionately high rates when compared to their white and/or more affluent counterparts: incarcerated people come from all over the state, but are disproportionately from the cities of Bridgeport, Hartford, New Haven, and Waterbury, which happen to be the cities home to the largest populations of Black and brown communities, and the poorest areas of the state, which also have the most underfunded school districts (Wildra, Morris Desir, Ray, & Jeter 2022).

TABLE 4 *Education Level of People Incarcerated in CT Whose Sentences End in Six Months (Career Resources Inc. 2024)*

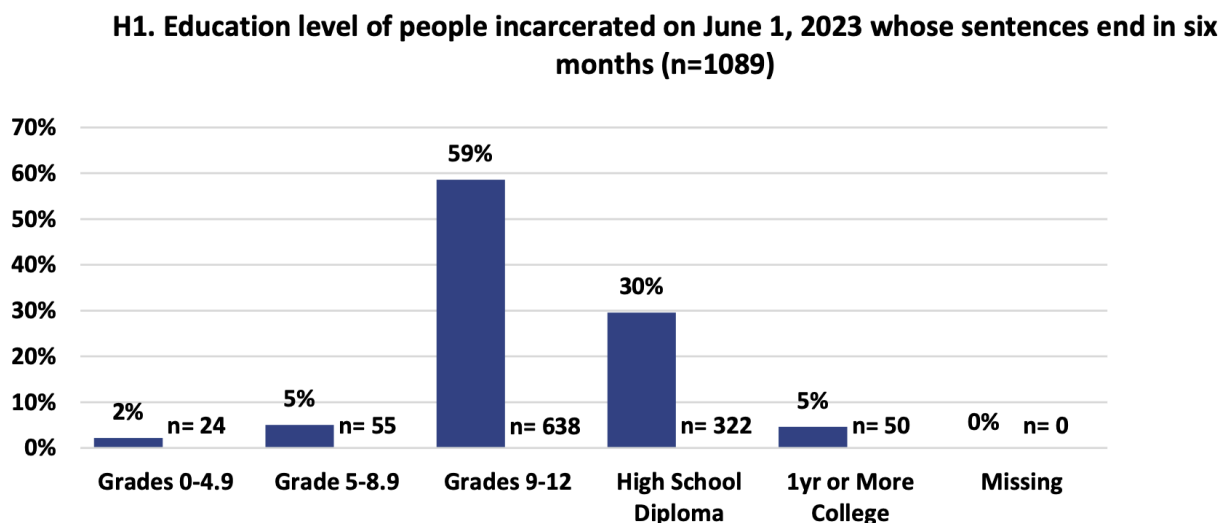
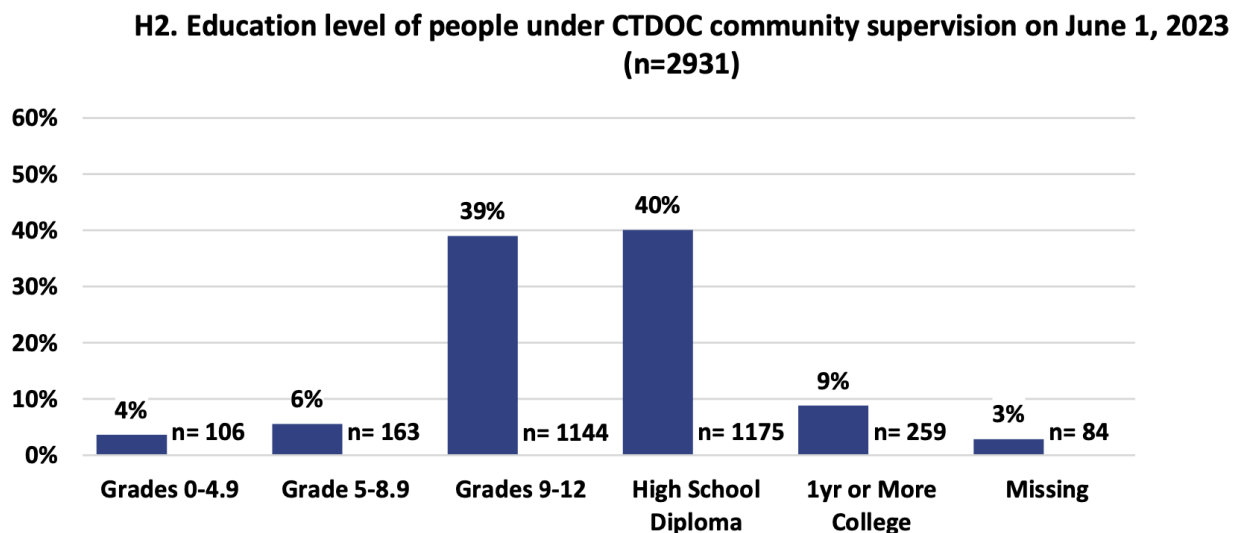


TABLE 5 *Education Level of People Under CT DOC Community Supervision (Career Resources Inc. 2024)*



In 2007, CT became one of four states in the United States to spend more dollars on corrections than higher education – these budgeting choices have continued ever since (see table below), and have recently worsened (Miller 2020). The Board of Regents for Higher Education in Connecticut is projecting a \$140 million deficit this fiscal year (2024-2025), a gap equal to 11% of the entire system’s budget (Phaneuf & Harkay 2023). To further this issue, the state budget spending cap is expected to reduce course offerings and teaching posts, while triggering further tuition and fee hikes within Connecticut’s public colleges and universities next year, greatly jeopardizing any possibility of a right to higher education to be actualized in the state’s foreseeable future (Phaneuf & Harkay 2023).

TABLE 6 *State Expenditure on Higher Education vs. Corrections, FY 2022-2023*

	FY 2022 (Total Recommended) ⁸	FY 2023 (Total Recommended) ⁸
State expenditure on higher education	\$525,121,192 ⁹	\$530,121,192 ¹⁰
State expenditure on corrections	\$629,857,373	\$648,277,653

II: Section V

Why is This Relevant in the Examination of Higher Education In-Prison Programs (HEPs), and Why is a Human Rights Approach Warranted?

Our comprehension of punitive logics and practices confining segments of the population, coupled with the influence of the carceral state and neoliberalism on state rhetoric and policies regarding humanity and access to essential resources like education, necessitates critical scrutiny of both the nation’s and the state’s motivations behind Second Chance Pell reinstatement and the surge in participation in HEP programs. If the state does not hold an intrinsic value of creating opportunities and resources for quality education, both in K-12 schools and higher education institutions, and thus does not provide a right to education even at its most basic level when evaluated under a human rights framework for those beyond prison walls, then it compels us to question whether:

⁸ Office of Policy and Management (2022). “FY 2022-2023 Governor’s Budget”. https://portal.ct.gov/-/media/OPM/Budget/2022_2023_Biennial_Budget/Bud_WebPage/GovBud_2022-23_Final_Web_Update.pdf.

⁹ This figure was calculated by combining the FY 2022 total recommended figure for the University of Connecticut and the FY 2022 total recommended figure for Connecticut State colleges and universities.

¹⁰ This figure was calculated by combining the FY 2023 total recommended figure for the University of Connecticut and the FY 2022 total recommended figure for Connecticut State colleges and universities.

1. these programs are simply another way for the government to get a return investment on its constituents through quasi social inclusion (providing higher education in prison) via and in conjunction with exclusion (incarceration) as a form of economic incorporation, as Gilmore describes is a key feature of racial capitalism and of the neoliberal carceral state (2007, 14), and
2. if citizenship (and the rights/privileges that accompany it) in the age of the neoliberal carceral state and neoliberal higher education is conditional on one's ability to participate in the market/economy.

Especially as the state frames the main benefits of Second Chance Pell as a tool to reduce recidivism and provide opportunities for rehabilitation linked to “productivity” (participation in the market/economy), rather than conceptualizing education as a non-conditional right that all are entitled to regardless of economic return or other outputs, it causes us to question whether education is being utilized as an efficient production of human capital to meet the growing economic demands of the state.

If a true right to education is to exist anywhere, it must move beyond recidivist promise or economic return. While these are nonetheless important side effects of access to postsecondary opportunities, we need to move beyond this productivist view that molds education solely towards economically relevant knowledge, skills and competencies to the detriment of human rights values, and instead concentrate on higher education's ability to affirm fundamental human rights and dignity in institutions that threaten to obliterate nearly everything that makes one human. The chapter to follow will utilize this human rights framework to evaluate the three selected Connecticut HEP programs.

III.

Evaluation of Selected HEP Programs in Connecticut

III. Section I

Trinity's Prison Education Project (TPEP)

Founded in 2012 by Trinity professors Judy Dworin, Joseph Lea, and Sheila Fisher, Trinity's Prison Education Project (formerly Trinity Prison Seminar Series) is one of the longest running HEP programs in the state. The program offers credit-bearing college classes at two correctional institutions in the state: York Correctional Institution, a state prison for women and people assigned female at birth, in partnership with Quinnipiac University, and Hartford Correctional Center, the city jail.

TABLE 7 *Evaluation of TPEP's Guarantee of the Right To Higher Education in Prison Utilizing 4-A Scheme*

Availability	<p>Programs:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Fiscal obligations matching human rights obligations <ul style="list-style-type: none"> <input type="checkbox"/> College/university provides stable, substantial funding and administrative support for these programs <input checked="" type="checkbox"/> Ensuring that financial burdens aren't imposed on incarcerated students for participation in these programs <input checked="" type="checkbox"/> Identification of gaps in coverage of education and measures to close them <input checked="" type="checkbox"/> Provide course materials free of charge <p>Professors:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for recruitment/fitness for teaching <input checked="" type="checkbox"/> Observance of human rights and labor law standards <input checked="" type="checkbox"/> Livable wages, pay equity <input checked="" type="checkbox"/> Academic freedom
Accessibility	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for admission <input checked="" type="checkbox"/> Identification and elimination of discriminatory denials of access <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Elimination of merit-based acceptances <input checked="" type="checkbox"/> Measures ensuring access to education for historically excluded and/or underrepresented communities <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Academic <input type="checkbox"/> Language <input checked="" type="checkbox"/> Provide reentry pathways for degree completion post-incarceration
Acceptability	<p>Regulation and Supervision:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum standards of health and safety, professional requirements for teachers <input checked="" type="checkbox"/> Freedom from censorship <input checked="" type="checkbox"/> Recognition of incarcerated individuals as subjects of rights
Adaptability	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Course content reflective of diversity of students and their preferences <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Adjustment to language, religion, disability, environment, etc

TPEP's Guarantee of an Available Right to Higher Education

Returning to human rights scholars' and international human rights doctrine's Right to Education Primers, the first "A" in the 4-A scheme, availability, demands that education be free and government funded, and that there is adequate infrastructure (transportation, textbooks, safe buildings), budgeting allocations, and trained teachers to support meaningful education delivery (Tomaševski 2001). Recognizing the unique, restrictive nature of correctional institutions, and the challenges outside programs such as HEP programs face in gaining meaningful access/connection to incarcerated individuals, however, each HEP program was evaluated in a slightly different framework from the state, taking into specific account the differences in fiscal obligations/budgetary allocations colleges/universities have in providing higher education in prison.

Based on a close reading of secondary sources and interviews with TPEP leaders, Trinity's Prison Education Project scored highly in its ability to make higher education opportunities (nearly as) available as possible, given the constraints of the prison system and the Department of Correction.

Funding

Trinity College satisfies the threshold of providing sufficient funding and administrative support for TPEP, as the college continues to make the contribution of the credit/tuition piece of the program. What a student at Trinity pays for a course is high, but that fee is not assessed to Trinity's students who are in prison (Lea, J., personal communication, interview, January 30th, 2024).

TPEP itself is responsible for paying for the faculty stipends, course materials, and transportation expenses, when applicable. The Department of Correction does not provide anything – as a result, paper, pens, course packs, and books have to be provided, which are all free of charge to incarcerated students.

Rather unique to TPEP in the age of the reinstatement of Second Chance Pell, the program has chosen not to participate nor apply to the Second Chance Pell Program, specifically

because pell grants are a pot of money; if you utilize Pell Grants while you're in prison, you're reducing the amount of money you have available when you're released... therefore, we'd like to keep that pot of money available to those students as long as possible (Lea, J., personal communication, interview, January 30th, 2024).

This is a deliberately conscientious choice to alleviate any potential financial burdens incarcerated students may face in choosing to participate in these programs, and

also provides a pathway for degree completion post-incarceration in keeping Pell Grant funds available for justice-impacted individuals to have at their disposal once released. All of the TPEP leaders I interviewed expressed concerns about sustaining the program – funding for TPEP has been solely through private donations and the generosity of the college and its trustees, with periodic financial support from various departments and the Dean’s Office (the Dean of Faculty’s Office is covering the expenses for Hartford Correctional’s pilot year program). While the program’s overall cost is not horribly expensive – three courses a year amounts to roughly \$21,000 – the courses get funded at what would be the amount that an adjunct instructor at Trinity would get for one course – it is getting increasingly difficult to get private grant money, due to the increased competitiveness and capacity constraints of grant programs. If this continues, TPEP may have to revisit its choice not to participate in Second Chance Pell, which may force its students to use their Pell Grant funds while in prison, potentially leaving them with no federal grant aid if they are to seek postsecondary opportunities post-incarceration.

Identification of Gaps in Coverage of Education and Measures to Close Them

In my conversations with TPEP leaders and educators, they were very forthright about identifying the largest barriers to higher education in correctional institutions, and finding creative ways to improve the educational experience for their incarcerated students. One of the biggest gaps in coverage of higher education across the nation for incarcerated students is in jails. In response, TPEP recently launched a program in Hartford Jail, which is the first postsecondary education program in Connecticut jails, with very few nationwide. Drawing inspiration from a program called CORE doing similar work in jails in Western Massachusetts, TPEP is teaching shorter, 7 week credit courses throughout the fall and spring semesters, as they recognize the transient nature of the jail population compared to the prison population. While this allows those awaiting trial or sentencing to participate in meaningful educational programming, and even secure significant credits towards an Associate degree with some individuals waiting upwards of two to three years in jail, because of the relatively quick turnover, TPEP quickly recognized that the jail needed programming in the summer, too. As a result, TPEP coordinated with Capital Community College to teach in the summers. While this is Pell Grant funded because that is simply the way that community colleges operate, the benefit to this collaboration is that it gets students enrolled in all community colleges across the state since the community colleges are unified. This means that whenever they leave jail, they can continue their education – if they’re released, they can go right to any college already enrolled; if they’re convicted/sentenced and sent to prison, the agreement with Department of Correction (DOC) is that they would be sent to a prison with a HEP program so they could continue. In this way, TPEP aims to create a pathway to education. They don’t envision degree completion: four out of the thirteen students Professor Lea and Professor Fisher most recently taught were released by

the end of the course. While there may not be enough time to complete a certificate or degree in jail, TPEP provides individuals with the opportunity to start the process.

Two of the biggest barriers TPEP is currently facing in each correctional institution they are educating in is related to communication and the lack of technology. It's difficult to get information out to students because they don't have access to something you could put out an email blast to them all (Lea, J., personal communication, interview, January 30th, 2024). TPEP improvises by posting flyers and sign up sheets for the courses they'll be offering throughout the living units, having them submit that application to their council supervisor to get to TPEP leaders (Lea, J., personal communication, interview, January 30th, 2024). Even so, things get lost in the mail constantly, or flyers get taken down because those interested may want to take it down to look at it.

This discrepancy is felt even more strongly in jail (particularly Hartford Correctional), because the facility doesn't even have a library or book room. As a consequence, students are unable to look up a word for spelling – there's no way for them to supplement their education through the things that students on Trinity's main campus use all the time. In attempts to combat this, TPEP is currently trying to work with students and DOC to open up access and interest in utilizing their tablet program as educational tools. TPEP professors have also bought the students dictionaries that they got to keep (Fisher, S., personal communication, interview, January 29th, 2024). In efforts to provide incarcerated students with the same services afforded to students on campus, TPEP has also begun incorporating Trinity's writing center tutors into the Hartford Jail initiative, which they hope to do at York as well. In collaboration with professors, five tutors are currently receiving volunteer orientation to be part of the study hall process in every course TPEP offers at the jail. In making this decision, TPEP first consulted with the students at the jail, asking what they'd like. One man said,

I'll tell you what we don't want. We don't want to be treated differently from your Trinity students. We don't want you to come in here and pity us. We want you to look at us like Trinity students. If this is what your students on campus get, then students here should have it as well (Fisher, S., personal communication, interview, January 29th, 2024).

TPEP's Guarantee of an Accessible Right to Higher Education

The second "A" in the 4-A scheme of the Right to Education Primers is accessibility, which demands that the educational system/program is non-discriminatory and accessible to all, with positive steps being taken to include the most marginalized. In comparison to the state's performance in this category, TPEP scored highly in its ability to develop measures ensuring access for historically underrepresented individuals, and providing reentry pathways for degree completion post-incarceration.

Criteria for Admission/Identification and Elimination of Discriminatory Denials of Access

TPEP has a detailed criteria for admission, and has identified (though not entirely eliminated) discriminatory denials of access, with a fairly open-ended admission process at both York Correctional Institution and Hartford Correctional. TPEP asks that individuals have a GED or high school diploma; however, since students can earn college credit while in high school, the program has also accepted students who are working on their GEDs in prison based on a staff recommendation. TPEP typically posts flyers throughout the facility asking interested students to submit a short essay describing their previous educational experience and why they are interested in taking a college course with TPEP (Fisher, S., personal communication, interview, January 29th, 2024). The correctional staff reviews all of the applicants and sends TPEP those that meet their security requirements: students have to be discipline free to get into the program; if they get a discipline, they lose programming for 120 days – this means that students could miss out on 2-3 courses depending on when those 120 days fall. Just recently in the last couple of months, DOC removed the across-the-board stipulation, so that if someone were to get a discipline it wouldn't automatically mean they couldn't return to the program – it's now determined on a case by case basis (Dworin, J., personal communication, interview, February 8th, 2024). However, it is still ultimately up to DOC staff's discretion to provide course materials to students, and give them a ticket or discipline that prevents them from participating in these programs. From the essays TPEP receives, they review them and select twelve to fifteen students to make up the class. At York, TPEP tends to go in for an in-person introduction/orientation before compiling the student list (Fisher, S., personal communication, interview, January 29th, 2024). At Hartford Correctional, TPEP tends to ask the current faculty to explain the upcoming course and answer questions the students may have about taking the next course (Lea, J., personal communication, interview, January 30th, 2024). Since Hartford Correctional is new to TPEP this year, they have been diligent in figuring out what works best – they may try to schedule in-person informational sessions next year. However, they have been using the study halls to handle registration and course information to date.

Measures Ensuring Access to Education for Historically Excluded/Underrepresented Communities

The great irony TPEP has witnessed throughout their educational programming in York Correctional and Hartford Correctional is the fact that there “may be something accessible to them [incarcerated students] in prison that they would never have thought accessible to them outside of prison” (Fisher, S., personal communication, interview, January 29th, 2024). Some of TPEP's students will talk about mailing their papers home to their families, having conversations with their families or within their writing about how they never thought they would step inside a college classroom. With the majority of TPEP's students being first-generation college students,

many are unsure how to navigate postsecondary spaces, or what it takes to get to the completion of the program or a degree. Capital Community College significantly enhances the efforts of TPEP by providing introductory sessions on college and their programming every semester. Within these informational sessions, they discuss what students can do with a certificate, a two year degree, and a four year degree, all tied to careers and income. Not only does this help students envision a tangible outcome for their engagement in higher education opportunities, but it also equips students with the understanding that it's not just a bachelor's degree or nothing. This is particularly important, according to Professor Joseph Lea, co-director of TPEP, in getting students to believe in themselves.

Because we know people in prison have unfortunately not been successful in traditional modes of life, they tend to fear failure or not try. They think they're not going to make it, so sometimes it can be really hard for them to advocate for themselves or believe in themselves (Lea, J., personal communication, interview, January 30th, 2024).

In ensuring equitable access to education for historically excluded/underrepresented communities, TPEP utilizes an individualized, case-by-case approach. According to Professor Lea, “whenever we [TPEP] sees a problem, we ask ourselves how we can make it less of a challenge, and work through that process, fix it, and learn from it” (Lea, J., personal communication, interview, January 30th, 2024). One example from the HEP program in Hartford Correctional this semester illustrates this commitment: a student from Puerto Rico was having trouble keeping up with the course readings in English, so TPEP got the texts in Spanish and English – that way, he was still able to synthesize the material in Spanish, while also continuing to improve his English comprehension skills and contribute to class discussions.

Providing Reentry Pathways for Degree Completion Post-Incarceration

According to TPEP leaders, the program exists to reduce educational inequities, support incarcerated people, and help them succeed after release (Trinity College 2024). When people get out of prison, it's a huge transition. Reentry – largely due to the criminalization of poverty and long-standing, systemic discrimination against justice-impacted individuals that persists long after one serves time – is so difficult that the program usually loses students for a year or more. Returning citizens need to find sufficient housing, a stable job, reliable transportation, potentially rebuild relationships with family and friends, tend to their mental and physical health, all in the midst of trying to grapple with a system that routinely fails to see them as fully human, and by consequence fails to afford opportunities for previously incarcerated individuals to fully move beyond their incarcerated status. If and when these individuals feel ready to continue their education, TPEP provides a pathway that attempts to lessen the immense barriers in doing so – if students have previously been enrolled in the FAFSA program with Pell Grant money, and have participated in TPEP or similar HEP programming while incarcerated, all

the paperwork is done, and they can just show up for class at any community college across the state.

TPEP’s Guarantee of an Acceptable Right to Higher Education

The third “A” in the 4-A scheme of the Right to Education Primers is acceptability, which demands that the content of education is relevant, non-discriminatory, culturally appropriate, free from censorship, and of quality – schools/educational programs themselves are safe and teachers are professional.

Although it is open to debate, the environment within which TPEP functions presents significant hurdles in creating conducive spaces where both students and faculty can comfortably share their lived experiences and thoughts. This challenge is particularly pronounced given the presence of DOC staff in every session. However, compared to the state’s performance in this regard, TPEP excelled in its deliberate efforts to involve students in course design and consistently recognizing incarcerated individuals as rights-bearing subjects.

Freedom from Censorship

In evaluating TPEP, the program’s course content is generally free from censorship. TPEP faculty have the liberty of choosing what books to assign, essay prompts, and course subject areas, and, as elaborated on below, works closely with students to craft courses that are interesting and meaningful to each individual, their lived experiences, and educational aspirations. However, much like some of the other administrative barriers to ensuring a meaningful right to education in prison, the state (DOC) has the ultimate authority of deciding whether proposed course topics and materials are suitable for the carceral setting. All educational content must be approved by DOC before any courses are finalized and facilitation can begin. Anything that *appears* to threaten the legitimacy of DOC or the security of the correctional institution is prohibited.

Recognition of Incarcerated Individuals as Subjects of Rights

Drawing on insights offered at the *College in Prison: Lessons From the Field* presentation from HEP program experts Abraham Santilgo, Dr. Mel Webb, Sean Reeves, Dr. Laura Ferguson-Mimms, Norman Gaines, and Dr. Lila McDowell, a quality HEP program should be teaching skills beyond academia – skills that prepare students for life, tools that equip individuals to see themselves beyond the worst moment or act of their lives: “If you only lead with the degree, then you miss so much of the richness of the experience of going to college” (Santilgo et al 2023). In crafting a quality HEP program, the opportunity is to build an individual

– the quality of the program must thus guarantee the individual has those holistic opportunities for self-transformation.

One of the ways that TPEP aids in the rehumanization process of incarcerated students is by seeing them beyond their incarcerated status, believing in them and their ability to succeed, and equipping them with the resources to do so, academic and otherwise.

TPEP’s Guarantee of an Adaptable Right to Higher Education

The fourth and final “A” in the 4-A scheme of the Right to Education Primers is adaptability, which demands that education can evolve with the changing needs of society, contribute to challenging inequalities, and be adapted locally to suit specific contexts. In comparison to the state’s performance in this category, TPEP scored highly in its ability to develop course content reflective of the diversity of students and their preferences.

Course Content Reflective of Diversity of Students and Their Preferences

In adapting to the wants and needs of diverse student populations, TPEP

is always looking at how we can adapt these programs to be supportive of student needs and meet the students where they are – even though it’s [TPEP’s program in York in particular] has been going on for more than a decade, it’s all very developmental, because we’re always in the process of seeing what things we need to do to make it as effective as possible (Dworin, J., personal communication, interview, February 8th, 2024).

To actualize this, TPEP utilizes student questionnaires to find what worked and what didn’t in their courses. In cultivating course content, TPEP faculty brainstorms the topics collaboratively based on where students are at and what they’ve expressed interest in (Fisher, S., personal communication, interview, January 29th, 2024). With student’s widely diverse educational backgrounds, in my conversations with TPEP leaders, the faculty emphasized that as someone who educates in prison, you need to be ready to pivot. The courses taught in prison need to be adaptable in order to be successful, according to Professor Fisher, particularly because

Just like with Trinity students, you can personally have a really bad day. And you show up, sometimes not at your best. You try and muddle your way through, and I think within carceral spaces there’s a level of preoccupation. Say, when one of the guys has a court date, and the work didn’t get done. Am I really going to say, “you had a court date. Where’s your paper?”. So I think there’s also an emotional flexibility that you need to have, too (Fisher, S., personal communication, interview, January 29th, 2024).

Conclusion

In conclusion, Trinity's Prison Education Project (TPEP) demonstrates a commitment to upholding the right to education within correctional institutions, as evaluated through the 4-A Scheme of the Right to Education Primers. Despite the inherent challenges of providing education in carceral settings, TPEP excels in making higher education opportunities available, with a comprehensive funding model that alleviates financial burdens for incarcerated students and provides a pathway for degree completion post-incarceration in keeping Pell Grant funds available for justice-impacted individuals to have at their disposal once released. The program also identifies and addresses gaps in coverage, such as finding innovative ways to communicate with students in the face of significant technological barriers, launching a program in Hartford Jail, and adapting courses to meet the needs of transient populations.

Furthermore, TPEP ensures accessibility by implementing inclusive admission criteria and collaborating with Capital Community College to offer informational sessions dedicated to helping students envision a tangible outcome for their engagement in higher education opportunities. The program actively works to eliminate discriminatory denials of access and provides measures to ensure historically excluded communities have equitable access to education. Through individualized approaches and creative solutions, TPEP supports students in navigating educational opportunities both inside and outside of prison.

In terms of acceptability, TPEP prioritizes freedom from censorship and recognizes incarcerated individuals as rights-bearing subjects. Despite challenges in creating conducive learning environments within carceral spaces, the program involves students in course design and fosters a supportive educational community with dedicated faculty instruction.

Finally, TPEP demonstrates adaptability by tailoring course content to reflect the diversity of student preferences and backgrounds. Through student questionnaires and flexible teaching approaches that meet students where they're at, the program remains responsive to evolving student needs, interests, and challenges within carceral environments.

More work remains to be done in developing substantive language programming, and ensuring that the program's, and by extension the college's, fiscal obligations match their human rights obligations in providing sufficient funding and administrative support to TPEP.

III. Section II

Asnuntuck Community College's HEP Program

Asnuntuck is in the backdrop of the Connecticut State Community College, which comprises 12 campuses. Five of those campuses have Second Chance Pell programs – each of the programs offer either a certificate, a certificate and an Associate degree, or various forms of Associate degrees. Those in the Connecticut State Community College cohort participating in Second Chance Pell are currently operating in nine of the correctional facilities across the state of Connecticut – Asnuntuck is in four out of those nine – MacDougall-Walker Correctional Institution, Osborn Correctional Institution, Carol Robinson Correctional Institution, and Willard-Cybulski Correctional Institution. Asnuntuck was accepted into the Second Chance Pell experiment in fall of 2016.

TABLE 8 *Evaluation of Asnuntuck Community College's Guarantee of the Right To Higher Education in Prison Utilizing 4-A Scheme*

Availability	<p>Programs:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Fiscal obligations matching human rights obligations <ul style="list-style-type: none"> <input type="checkbox"/> College/university provides stable, substantial funding and administrative support for these programs <input type="checkbox"/> Ensuring that financial burdens aren't imposed on incarcerated students for participation in these programs <input checked="" type="checkbox"/> Identification of gaps in coverage of education and measures to close them <input checked="" type="checkbox"/> Provide course materials free of charge <p>Professors:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for recruitment/fitness for teaching <input checked="" type="checkbox"/> Observance of human rights and labor law standards <input checked="" type="checkbox"/> Livable wages, pay equity <input checked="" type="checkbox"/> Academic freedom
Accessibility	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for admission <input checked="" type="checkbox"/> Identification and elimination of discriminatory denials of access <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Elimination of merit-based acceptances <input checked="" type="checkbox"/> Measures ensuring access to education for historically excluded and/or underrepresented communities <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Academic <input type="checkbox"/> Language <input checked="" type="checkbox"/> Provide reentry pathways for degree completion post-incarceration
Acceptability	<p>Regulation and Supervision:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum standards of health and safety, professional requirements for teachers <input checked="" type="checkbox"/> Freedom from censorship <input checked="" type="checkbox"/> Recognition of incarcerated individuals as subjects of rights
Adaptability	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Course content reflective of diversity of students and their preferences <ul style="list-style-type: none"> <input type="checkbox"/> Adjustment to language, religion, disability, environment, etc

Asnuntuck Community College's Guarantee of an Available Right to Higher Education

Based on a close reading of secondary sources and interviews with Asnuntuck HEP program leaders, Asnuntuck scored highly in its ability to make higher education opportunities (nearly as) available as possible, given the constraints of the prison system and the Department of Correction.

Funding

Asnuntuck's program is funded entirely on federal financial aid provided by the Second Chance Pell program. At the moment, the program does not receive any grant funding, though program administrators are trying to get it. All of the faculty and staff positions for the program are covered by the operational budget, which is supported through the operational funds for the college. Part of the challenge Asnuntuck faces in trying to expand their funding is framing the program in a way that appeals to their budget, particularly to the Department of Correction and college administration. Teresa Foley, a professor deeply engaged in the Connecticut State Community College's HEP programming, finds it imperative to see HEP programs beyond their economic return, but the difficulty in doing so comes back to the question of who's going to pay for it. Community colleges like Asnuntuck face additional barriers to securing grants and significant funding in comparison to other HEP programs like TPEP and YPEI, especially without institutional financial support and/or private donor networks.

Identification of Gaps in Coverage of Education and Measures to Close Them

One of the biggest barriers to a quality right to education in prison Asnuntuck identified is the lack of access to technology. Not only does this cause significant administrative burdens, but it also "has a definite impact on the education that we [Asnuntuck] can provide" (Foley, T., personal communication, interview, February 16th, 2024). Due to the limited and at times nonexistent access to technology, students don't have access to the internet, library resources are limited, and ultimately students don't have access to additional materials that could supplement their learning. Asnuntuck and the Connecticut State Community College cohort are continuing to work on this issue, but have yet to move the needle very far with the Department of Correction. With higher education programming now being offered in facilities, HEP programs are basically asking the Department of Correction to do something different – instead of just holding individuals who are incarcerated in a perpetual state of captivity and physical and/or mental deprivation, Asnuntuck and other programs alike are asking for valuable, engaging programming that is hopefully going to make things easier for individuals once released. Getting DOC to see the inherent value of these programs across all correctional institutions is an ongoing challenge for all HEP programs, but especially those in the Connecticut State Community College cohort,

as they serve the most students across the most correctional facilities compared to TPEP and YPEI.

Asnuntuck Community College's Guarantee of an Accessible Right to Higher Education

In comparison to the state's performance in this category, Asnuntuck's program scored highly in its ability to develop measures ensuring access for historically underrepresented individuals, and providing reentry pathways for degree completion post-incarceration.

Criteria for Admission/Identification and Elimination of Discriminatory Denials of Access

Asnuntuck Community College's program is open enrollment, meaning that the only two things students need to provide are proof of graduation from high school or a GED and a social security number (Foley, T., personal communication, interview, February 16th, 2024). From there, students are required to fill out the FAFSA so they can begin receiving financial aid for access to the program. While these are relatively low barriers to entry, unlike TPEP or YPEI, students do not get the choice of whether to utilize Pell in order to gain admission into the program, which may ultimately constrain the amount of students the program could serve. In recognition of the financial barriers associated with funding HEP programs without Pell as a small community college, while also acknowledging the limitations of Pell itself for students, Asnuntuck has been conscientious in advising students about using Pell, as it's not an unlimited bucket of money (Foley, T., personal communication, interview, February 16th, 2024).

Measures Ensuring Access to Education for Historically Excluded/Underrepresented Communities

While Asnuntuck does not have the financial means to completely eliminate discriminatory denials of access due to its full reliance on Pell, the program is continuously trying to support students the best they can, and foster a learning environment that sets students up for success. Asnuntuck provides tutoring for their English and math classes, and also makes available an accommodation process for students with disabilities (Foley, T., personal communication, interview, February 16th, 2024). Many incarcerated people have never been formally identified as having a disability, and thus don't have the proper documentation. Asnuntuck doesn't require any sort of documentation, and simply works with students the best they can based on what their needs are.

To supplement their work, Asnuntuck is also committed to replicating the services they provide on campus for students on the inside (Foley, T., personal communication, interview, February 16th, 2024). Currently, the program is building up the academic advising component of

the program, and are continuing to find creative ways to make students more involved in and excited about their education, beyond their academic classes. At the moment, Asnuntuck does not provide resources for those who have limited to no English proficiency.

Providing Reentry Pathways for Degree Completion Post-Incarceration

Similar to YPEI and TPEP, Asnuntuck recognizes the importance of supporting students long after they are released in their educational pursuits, particularly because of the challenges many face post-incarceration. When students are released, they can attend their local campus of the CT State Community College cohort and work with the respective Admission's Office to be 'readmitted'. This process, according to Teresa Foley, is virtually seamless, and is necessary in order for students to change their student financial aid status from Second Chance Pell to on campus (Foley, T., personal communication, interview, February 16th, 2024). All of the majors and programs offered in the Second Chance Pell programs are the same as those offered on campus; as such, students can continue to take classes on campus and work towards degree completion. Once this readmission process is complete, Asnuntuck also advises students to meet with the Financial Aid Office to make sure everything is up to date, and their academic advisor(s) to ensure they are getting the most out of their educational experience, and continue to feel supported in doing so (Foley, T., personal communication, interview, February 16th, 2024).

Asnuntuck Community College's Guarantee of an Acceptable Right to Higher Education

In comparison to the state's performance in this category, Asnuntuck scored highly in its intentionality of including students in the course design process, and the program's constant recognition of incarcerated individuals as subjects of rights.

Freedom from Censorship

In my conversations with Asnuntuck program leaders, the program luckily has had very few pieces of reading/course materials denied, even across multiple prisons. As all correctional institutions in the state of CT, DOC reviews all materials that go into the facilities for classes. Having a good working relationship with DOC is extremely important because of this reality – Asnuntuck attributes much of the continued success of their programming to the relationships they've fostered with DOC:

My belief is that you can't walk into a prison and not be able to respectfully work with those that are in charge. Even if you disagree with some of the basic premises. You don't just build trust in your community of men or women. You need to build trust with the staff and DOC, and they have been surprised and pleased with what comes out of these programs. But you need to know what the rules are, you need to not disregard them ever. They need to see what you're doing is a value,

and a lot of what we do runs contrary to how DOC trains. It's all about safety and security. And here we are. So it's just being smart about it. It's asking, not doing. I think it's having patience and knowing that they're looking at it from a very different perspective. But they're also growing with what they see happen. I've seen a growing openness to this kind of thing [higher educational programming in prison], and they've made it possible for us to do it (Foley, T., personal communication, interview, February 16th, 2024).

Recognition of Incarcerated Individuals as Subjects of Rights

Beyond the rehumanization process that often accompanies educational programming in prison, one of Asnuntuck's biggest priorities is focusing on individuals as "whole in being. They're not inmates. They're students." (Foley, T., personal communication, interview, February 16th, 2024). To accompany this, Asnuntuck places a strong emphasis on nurturing critical thinking and writing abilities, empowering students with the tools and insights needed to articulate themselves effectively. Through this approach, students often discover latent capacities for expression they may not have realized were within their reach prior to their engagement with the program.

Asnuntuck Community College's Guarantee of an Adaptable Right to Higher Education

In comparison to the state's performance in this category, Asnuntuck scored highly in its ability to develop course content reflective of the diversity of students and their preferences.

Course Content Reflective of Diversity of Students and Their Preferences

From the data and information gathered from the program's course evaluations conducted at the end of each semester, Asnuntuck quickly found that while students love to engage in classes, think critically, and express themselves through writing, they also want to know what they can do with these skills and the job(s) they may be able to get with them once they're released (Foley, T., personal communication, interview, February 16th, 2024). As such, Asnuntuck developed a manufacturing program where students on the inside can work towards a certificate – manufacturing is one industry that will hire people who are formerly incarcerated. Students are able to do all of the theoretical work while incarcerated, but are still unable to do the hands-on training that is required for certificate completion. However, Asnuntuck continues to try to partner with DOC on this initiative, for both logistical and funding purposes.

For all academic courses, Asnuntuck rotates which classes are offered each semester based on students' progression in their majors towards program completion. All courses offered in the program have to be required courses based on the students' major – financial aid will only cover courses that are required by the program (Foley, T., personal communication, interview, February 16th, 2024). As a result, students can register for any course that is offered in their

facility as long as it counts towards their declared major. While this certainly gives students some flexibility in what courses they can take, removing this stipulation may better ensure that students are able to fully explore their educational interests beyond what is required of their program, which may work to better align course content and topics to students' preferences and lived experiences.

Conclusion

In conclusion, Asnuntuck Community College's Higher Education Program demonstrates a commitment to upholding the right to education within correctional institutions, as assessed through the 4-A Scheme of the Right to Education Primers. Despite challenges inherent in carceral settings, Asnuntuck's program strives to make higher education accessible through various measures. The program adopts an open enrollment policy, requiring minimal documentation for admission. However, unlike its peers, Pell Grant enrollment is required in order to participate in the program. In recognition of this potential barrier, Asnuntuck advises students on Pell utilization.

Despite financial constraints, Asnuntuck ensures accessibility by supporting historically underrepresented individuals through tutoring and academic advising, and providing accommodations for disabilities. Asnuntuck also facilitates a relatively seamless reentry process for released students, enabling them to continue their education on any one of the CT State Community College campuses, offering support through admissions and financial aid offices.

In terms of acceptability, Asnuntuck maintains a cooperative relationship with correctional institutions, minimizing censorship of course materials, and prioritizes the rehumanization of incarcerated individuals, empowering students to articulate themselves effectively through critical thinking and writing skills.

Finally, Asnuntuck demonstrates adaptability by tailoring course offerings based on student feedback and preferences. The program developed a manufacturing program to align with job opportunities post-release. While courses are ultimately restricted to major requirements, removing this stipulation may enhance flexibility and further alignment with student interests.

More work remains to be done in developing substantive language programming, ensuring that financial burdens aren't imposed on incarcerated students for participation in these programs (establishing alternative grants through the college that can be utilized instead of full reliance on Pell), and expanding courses beyond major requirements.

III. Section III

Yale Prison Education Initiative (YPEI)

YPEI is currently educating at Federal Correctional Institution (FCI) Danbury, a low-security federal prison for men and women, and MacDougall-Walker Correctional Institution, a maximum-security prison for men. MacDougall-Walker is also the largest correctional facility in New England (CT Gov 2024). Five classes are being taught at Danbury this semester, while six classes are being taught at MacDougall-Walker. In addition to these classes, there are study halls that accompany each course to supplement student learning. During the summer, YPEI also runs a summer session, with three classes at Danbury and three at MacDougall-Walker.

TABLE 9 *Evaluation of YPEI's Guarantee of the Right To Higher Education in Prison Utilizing 4-A Scheme*

Availability	<p>Programs:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Fiscal obligations matching human rights obligations <ul style="list-style-type: none"> <input type="checkbox"/> College/university provides stable, substantial funding and administrative support for these programs <input checked="" type="checkbox"/> Ensuring that financial burdens aren't imposed on incarcerated students for participation in these programs <input checked="" type="checkbox"/> Identification of gaps in coverage of education and measures to close them <input checked="" type="checkbox"/> Provide course materials free of charge <p>Professors:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for recruitment/fitness for teaching <input checked="" type="checkbox"/> Observance of human rights and labor law standards <input checked="" type="checkbox"/> Livable wages, pay equity <input checked="" type="checkbox"/> Academic freedom
Accessibility	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Criteria for admission <input checked="" type="checkbox"/> Identification and elimination of discriminatory denials of access <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Elimination of merit-based acceptances <input checked="" type="checkbox"/> Measures ensuring access to education for historically excluded and/or underrepresented communities <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Academic <input type="checkbox"/> Language <input checked="" type="checkbox"/> Provide reentry pathways for degree completion post-incarceration
Acceptability	<p>Regulation and Supervision:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum standards of health and safety, professional requirements for teachers <input checked="" type="checkbox"/> Freedom from censorship <input checked="" type="checkbox"/> Recognition of incarcerated individuals as subjects of rights
Adaptability	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Course content reflective of diversity of students and their preferences <ul style="list-style-type: none"> <input type="checkbox"/> Adjustment to language, religion, disability, environment, etc

YPEI's Guarantee of an Available Right to Higher Education

Based on a close reading of secondary sources and interviews with YPEI leaders, Yale's Prison Education Initiative scored highly in its ability to make higher education opportunities (nearly as) available as possible, given the constraints of the prison system and the Department of Correction.

Funding

Yale University partially satisfies the threshold of providing sufficient funding for YPEI, as the university has just recently begun funding the program. However, in my conversations with YPEI leaders, they stressed that significantly more institutional funding would be required in order for program expansion. This likely implies that the university has yet to provide sufficient administrative support for YPEI, conducive to the monetary amount required for the program's flourishing.

YPEI is privileged to receive a three-year, \$1,500,000 grant from the Mellon Foundation, which expired in March 2024 (Mellon Foundation 2021). This award covers the costs associated with YPEI faculty and staff, as well as course materials and transportation expenses. Benefiting from Yale's substantial endowment and extensive donor network, YPEI also secures funding from a range of private contributors.

As a result of Yale's extensive donor network, coupled with University of New Haven's admission into the Second Chance Pell Program, an inherent privilege YPEI has as a result of their funding is that they don't have to rely on Pell like so many other HEP programs do. As a result, using Pell is entirely optional for students, which certainly aids in eliminating potential denials of access for students, and/or retaining students themselves in these programs. Students have the option to fill out the FAFSA – YPEI emphasizes to students that opting in to Pell provides for better programming, allows for potential expansion and for more students to come into the program. This has been warmly received by YPEI students, with a 95% FAFSA completion rate. However, there are some students who don't want to fill it out. In recognition of this, YPEI makes sure that this choice doesn't affect one's eligibility for the program. In reflecting on this decision, site director Tracy Lee Westmoreland remarks, "Pell is just a supplement – we don't want to put that burden on our students" (Westmoreland, T., personal communication, interview, March 6th, 2024).

Identification of Gaps in Coverage of Education and Measures to Close Them

In my conversations with YPEI leaders, one of the biggest barriers to ensuring a proper right to education behind bars, aside from funding and technology, is the challenge of space. As a consequence of these physical constraints, YPEI has yet to be able to expand programming at either of the correctional institutions they operate in. Currently, YPEI is

pretty much at capacity at both of them [FCI Danbury and MacDougall-Walker], mainly because the corrections facility has other programs they're running. There are also other HEP programs at MacDougall, like Asnuntuck. So we're at max – we really cannot run more programming at either of those facilities just because of space and time. The other option would be going to other correctional facilities, some which would be happy to have us. But why can't we? We don't have the money, and others are just not happy nor willing to have any higher education in their correctional institutions at all (Westmoreland, T., personal communication, interview, March 6th, 2024).

Tracy Lee cites the example of FCI Danbury to exemplify the institutional challenges inherent in seeking to close identified gaps in coverage of education. Despite FCI Danbury having a dedicated education building that has sufficient room for expansion, DOC chooses not to (Westmoreland, T., personal communication, interview, March 6th, 2024). YPEI expressed their dedication and excitement in the possibility of running more classes at Danbury, but without adequate room, these goals are unable to be actualized.

While YPEI's programming is ultimately up to the discretion of DOC, YPEI remains diligent in finding creative solutions to expanding access to education for incarcerated students. At FCI Danbury, YPEI seeks to conduct a pilot program at the 'Camp', which is an open campus layout where incarcerated people can come and go. Those in the 'Camp' are primarily individuals who are about to be released. Having observed a need for shorter programming sessions for those individuals, YPEI is hoping to launch a pilot program with 7-8 week sessions, in the hopes that they can gain a few credits in the limited time they have left towards a degree once released (Westmoreland, T., personal communication, interview, March 6th, 2024).

YPEI's Guarantee of an Accessible Right to Higher Education

In comparison to the state's performance in this category, YPEI scored highly in its ability to develop measures ensuring access for historically underrepresented individuals, and providing reentry pathways for degree completion post-incarceration.

Criteria for Admission/Identification and Elimination of Discriminatory Denials of Access

Similar to Asnuntuck Community College’s program and TPEP, the only baseline requirements for admission into YPEI’s program are a GED or high school diploma. To accompany the admissions process, YPEI utilizes a multi-step approach. The program first holds info sessions in the respective correctional institutions, where YPEI facilitators speak to interested students, provide them with the history of the program, why a liberal arts education could be right for them, and why they might be interested in participating. This is followed by the application itself, which includes several short answers (4-5 essay prompts that students can choose from, with the expectation of 2-3 pages of handwritten writing) (Westmoreland, T., personal communication, interview, March 6th, 2024). The last step of the admissions process are five to ten minute interviews. Crucially, YPEI is looking for interest, motivation – an indication that they will work hard in the program, that this is something that is going to be important to them – and how they think this program might further their goals (Westmoreland, T., personal communication, interview, March 6th, 2024). They recognize that some may not have great answers for each of the questions they ask, but so long as “we [YPEI] sees some sort of spark, motivation, and interest, we admit them. We don’t really care about educational background. Our biggest priority is lifting up the people that have been left with nothing” (Westmoreland, T., personal communication, interview, March 6th, 2024).

While these admissions processes foster a holistic account of each applicant, it is also important to recognize the exclusivity and elitism inherently embedded in an institution like Yale. Something YPEI has been intentional in discussing with their students and amongst staff is maintaining a careful balance between replicating the academic rigor and wealth of resources and knowledge that is at Yale, while not reproducing the elitism happening on campus. This is not a phenomenon unique to Yale, but is indicative of a larger debate circulating in the prison education scene currently. HEP programs are eager to replicate exactly what is happening on campus to the best of their ability, but that also demands that they be cognizant of the areas of improvement their campuses beyond prison walls are calling for, too, which ultimately requires these institutions to be committed to positive substantive change for all of its students.

Measures Ensuring Access to Education for Historically Excluded/Underrepresented Communities

In ensuring access to education for historically excluded/underrepresented communities, YPEI provides comprehensive academic support to its students, with an entire library worth of academic strategies and workshops which are conducted by people trained by the Academic Strategy Center at Yale University. As previously mentioned, YPEI also offers study halls and additional academic programming to set students up for success in the various course topics the program teaches.

YPEI currently does not have resources available for non-English speaking students, or those whose first language isn't English. Although they haven't encountered this problem thus far, the program acknowledges the importance of considering language proficiency as they grow and welcome cohorts from diverse backgrounds in the future.

Providing Reentry Pathways for Degree Completion Post-Incarceration

YPEI has created a virtually seamless process for students seeking to further their education once released. Anyone that is in the program is automatically a University of New Haven student. There's no difference on paper, on their transcripts, or the diploma. While YPEI has only had a handful of people released and go straight to school, particularly due to the systemic challenges that accompany reentry, students have successfully been able to sign up for classes and attend University of New Haven on campus. Most people that have been released have yet to finish their Associate, or have just completed their Associate – as a result, many are going to a state school, or to one of the community colleges to finish the last few credits and then going to University of New Haven or another school they want to attend. The only significant barrier that YPEI has experienced with its released students wanting to continue their education at University of New Haven are the expenses associated with attending a private school. Luckily, YPEI has been able to find some temporary transfer grants to help in alleviating these financial burdens – since YPEI students are administratively identified as transfer students, they are able to receive transfer grants if their GPA is high enough, which every student who has been released has achieved (Westmoreland, T., personal communication, interview, March 6th, 2024). These transfer grants offer approximately \$30,000 in addition to Pell Grants for students who opt to complete the FAFSA or have not exhausted their Pell Grant eligibility before transfer. However, tuition at the University of New Haven is still about \$55,000 a year, which means there's a gap in financial support for released students. YPEI has been able to identify some routes to find money either through the university (University of New Haven) or by private means. However, YPEI emphasized that this funding isn't sustainable, especially now that the program has expanded programming in Danbury, which has a higher rate of release (Westmoreland, T., personal communication, interview, March 6th, 2024). Many students want to stay in Connecticut to go to the University of New Haven because it's a great degree and college, even though it's expensive. YPEI continues to work on finding additional funding sources to have a more stable fund for the students that are leaving, specifically so they are able to continue their students at the University of New Haven.

YPEI's Guarantee of an Acceptable Right to Higher Education

In comparison to the state's performance in this category, YPEI scored highly in its intentionality of including students in the course design process, and the program's constant recognition of incarcerated individuals as subjects of rights.

Freedom from Censorship

YPEI's course content is generally free from censorship. When asked if the program has experienced challenges in getting course content or courses themselves approved, YPEI couldn't recall a single example where the correctional facility has said the content of a course is inappropriate, or has posed challenges to YPEI being able to run a course (Westmoreland, T., personal communication, interview, March 6th, 2024). YPEI has had some fairly radical courses in the past, which have been going on without a hitch. The language the program utilizes in their documentation with FCI Danbury and MacDougall-Walker has aided in this norm-building process – the 'radical' nature of the courses YPEI may offer is simply built into the language of their agreements with correctional institutions. At FCI Danbury, the staff has been especially helpful – YPEI has been able to bring in whatever books as needed, and have had art classes running throughout the summer where they have brought in mountains of supplies, pens, pencils, props, and paint. The security level of FCI Danbury may contribute to the ease at which YPEI is able to bring materials, however. At MacDougall-Walker, there have been some issues with getting certain materials and people approved. At times, regular materials necessary for courses will get rejected – this has happened to YPEI several times, which has required them to re-sort the class. Thankfully, the past several semesters have run fairly smoothly, which YPEI attributes to the trust that has been developed over the years with correctional staff.

Recognition of Incarcerated Individuals as Subjects of Rights

One of YPEI's biggest priorities is ensuring that they treat their students with respect. This is particularly important, according to Tracy Lee, because

to get respect in a place where you're pretty much being disrespected the majority of the time is huge – it's one of the things beyond just the education that people really take to heart. Yes, they might remember the professors, and yes, they might remember us, but the number one thing they take with them is this recognition that "this is a place where I felt safe. This is a place where I didn't feel like I was a prisoner. This is a place where I felt like a student, where I was able to just be a person for a period of time" (Westmoreland, T., personal communication, interview, March 6th, 2024).

YPEI acknowledges the significance of education for its intrinsic value. However, beyond this, creating a sanctuary where individuals can temporarily escape the defining aspects

of their incarcerated status for a few hours each week is crucial. The program conducts reviews following the close of every semester, and the qualities they continue to score the highest on according to students are the levels of respect, grace, and humanity YPEI continuously provides them.

YPEI's Guarantee of an Adaptable Right to Higher Education

In comparison to the state's performance in this category, YPEI scored highly in its ability to develop course content reflective of the diversity of students and their preferences.

Course Content Reflective of Diversity of Students and Their Preferences

In seeking to ensure that course content is reflective of the diversity of students and their preferences, YPEI offers one time visits/guest lectures throughout the year from Yale and/or University of New Haven faculty, for the sole purpose of having the students decide if they want that professor to come back and provide a full course. In this way, individual teachers are hand selected by the students.

One of the interesting things that University of New Haven has provided in their partnership with YPEI is that they created a new interdisciplinary degree. Rather than opting for a conventional major, students choose two minors as it simplifies the process of accumulating the required credits for degree completion. At FCI Danbury, the main focus seems to be on English and Psychology – “that’s what students have been asking for, so that’s what we’ve been pushing...the students are very involved. By the way it [YPEI] is set up, the very demands of what this degree is are a cumulation of the student’s pathways and what kind of courses they want” (Westmoreland, T., personal communication, interview, March 6th, 2024).

Due to both the diversity of the courses offered and the varying levels of educational backgrounds of the program’s students, YPEI has found it difficult to adapt to the various needs of the student population, particularly with the math classes they provide. Students have been able to quickly understand course material for English and humanities courses, but many students continue to struggle with math anxiety (Westmoreland, T., personal communication, interview, March 6th, 2024). This is a widespread problem not unique to those in prison, but is likely heightened due to the reality that many students in prison haven’t had access to an education that truly took their needs into consideration prior to incarceration. YPEI has been offering several different levels of math in attempts to accommodate each student (Westmoreland, T., personal communication, interview, March 6th, 2024). One of their math classes in particular – Math 1104 – involves similar course content to the standard math that everyone has to take in order to complete their degree (Qualitative Reasoning), but includes embedded review, which is essentially extended time with extended office hours, where YPEI brings in several tutors from Yale’s Academic Strategies Center that specialize in math. YPEI also offers a math club during the summer to prepare students for these kinds of classes.

Conclusion

In conclusion, Yale Prison Education Initiative's (YPEI) commitment to providing incarcerated individuals with a true right to higher education shines through various facets of its program, despite the challenges posed by the prison system and the Department of Correction. As a result of Yale's extensive donor network, coupled with University of New Haven's admission into the Second Chance Pell Program, an inherent privilege YPEI has as a result of their funding is that they don't have to rely on Pell like so many other HEP programs do. As a result, using Pell is entirely optional for students, which certainly aids in eliminating potential denials of access for students, and/or retaining students themselves in these programs. YPEI remains diligent in finding creative solutions to expanding access to education for incarcerated students despite space and infrastructure constraints – the program seeks to conduct a pilot program at FCI Danbury for individuals who are about to be released, in the hopes that they can gain a few credits towards a degree before release.

In terms of accessibility, YPEI's inclusive, holistic admissions process and comprehensive academic support, including an entire library worth of academic strategies and workshops conducted by people trained by the Academic Strategy Center at Yale University, study halls, and additional academic programming to set students up for success in the various course topics the programs teaches highlights the program's dedication to ensuring proper access to education. To that end, YPEI has also created a virtually seamless process for students seeking to further their education once released, including grant funding for students wishing to continue at the University of New Haven.

Furthermore, YPEI scored highly in its ability to offer an acceptable right to higher education for incarcerated students, with relative freedom of censorship, attributed to the intentional language utilized in the documentation with FCI Danbury and MacDougall-Walker that has aided in the norm-building process of 'radical' course content, and prioritizing the respect of incarcerated students, creating a sanctuary for learning and personal growth within prison walls.

Finally, YPEI's diverse course offerings, student-driven curriculum development, and implementation of suggestions from student surveys reflect the program's commitment to meeting the needs and preferences of its student population, and the broader significance of the right to higher education's adaptability.

More work remains to be done in developing substantive language programming, and ensuring that the program's, and by extension the college's, fiscal obligations match their human rights obligations in providing sufficient funding and administrative support to YPEI.

IV. Key Takeaways

IV. Section I

Perhaps unsurprisingly given the constraints of the prison system, HEP programs in Connecticut have yet to fully realize a true right to higher education representative of all four components of the 4-A Scheme Right to Education Primers. However, the challenges of higher education in prison, in many ways, are the challenges of higher education more broadly. After identifying the most prevalent barriers to ensuring the right to higher education in CT prisons amongst all three of the HEP programs, my analysis highlights that without stable, substantial funding mechanisms that recognize inequity in access, growing quality and sustainable programs is incredibly difficult. Compounding these challenges are the attitudes of those in power (DOC) and inadequate infrastructure.

TABLE 10 *Most Prevalent Barriers to Ensuring the Right to Higher Education in CT Prisons and Jails*

Funding	Attitudinal	Inadequate Infrastructure
TPEP, YPEI, and Asnuntuck all mentioned their struggles with securing stable funding sources, irrespective of their participation in Second Chance Pell – their programs operate in a precarious state as a result, always at some level of risk of termination.	TPEP, YPEI, and Asnuntuck all voiced the challenges they face with the attitudes of those in power (DOC), and their relative inability to see individuals beyond their incarcerated status. It is ultimately up to the discretion of correctional officers to give course materials to students, and/or give them a discipline that prevents them from participation in these programs. As such, HEP programs have to constantly be fighting for progress against this resistance.	TPEP, YPEI, and Asnuntuck each emphasized the difficulty insufficient space, technology, and communication poses in program expansion and ensuring that their programs are providing an equitable level of resources as their campuses on the “outside”. Without adequate access to the internet, there is currently no way for students to supplement their education through the resources we utilize constantly on campus.

IV. Section II

Policy Recommendations

This section outlines a comprehensive approach to reimagining the role of higher education in prison, moving beyond the narrow focus on recidivism reduction to centering principles of equity, justice, and human dignity. Critiquing the prevailing discourse that commodifies education as a means to achieve quantifiable outcomes, it calls for a broader understanding of the transformative potential of education within carceral settings. Alongside this demand, another central component of my policy recommendations for all involved actors – HEP programs, colleges/universities, and the state – revolve around working to eliminate inequalities and barriers to access to postsecondary education, both inside and beyond prison walls. Recommendations include advocating for inclusive practices and course content, enhancing reentry support, and establishing grant funds to support sustainability. Furthermore, it urges colleges, universities, and state agencies to prioritize partnerships, remove admissions barriers, and address systemic inequalities within their respective institutions. By collectively embracing these recommendations, stakeholders can work towards a more inclusive and equitable vision of higher education in prison that promotes individual agency and societal transformation.

Moving Beyond Recidivism

Above all, we – as academics, advocates, and society – need to see higher education in prison beyond its potential for reducing recidivism. Currently, higher education in prison is often portrayed as a universal solution to a variety of societal issues (Castro & Gould 2018). It is touted by both ends of the political spectrum as a panacea for numerous “social ills” associated with mass incarceration. Higher education in prison is presented as a means to decrease high rates of recidivism (Vacca 2004), lower overall prison expenditures (Aos, Miller, & Drake 2006), thereby saving taxpayers’ money. It is also purported to enhance safety and security within prisons (Adams et al. 1994), facilitate post-release reintegration (Fabelo 2002), and address the prevalent post-release unemployment (Nally et al. 2012). Additionally, higher education in prison is framed as a remedy to tackle criminal behavior or as an “intervention” into such behavior (Esperian 2010), or broadly as “treatment programming” (Davis 2016). Influential studies endorsing the social benefits of education in prison reinforce many of these assertions (e.g., reduced recidivism, cost savings, prison safety), thus distorting the public’s perception of the purpose and value of higher education in prison (Castro & Gould 2018).

Moreover, studies that prioritize reducing recidivism as the primary goal of higher education in prison hinder broader discussions about the role of colleges and universities in providing quality educational opportunities to incarcerated individuals during and after their incarceration (Castro & Gould 2018). When the objectives of higher education in prison are

narrowly defined in terms of recidivism reduction or cost-effectiveness, higher education becomes commodified and susceptible to exploitative market forces, perpetuated by the neoliberal carceral state (Biesta 2010). In this framework, higher education is seen as a transaction within the prison context, leading to biases and stereotypes held by non-incarcerated individuals about incarcerated individuals' abilities and deservingness. The potential of providing quality higher education is compromised when it is approached as a means to a commodified end, similar to how the value of higher education, and specifically a degree program, is often measured by its marketability for employment in non-carceral college campuses. Importantly, narrowing the scope of what is valued in education limits our ability to envision higher education's role in creating a more equitable society, one that relies less on incarceration, for instance (Smith 2017).

Focusing too intently on quantifiable outcomes obscures what the essence of education, in prison or otherwise, is truly about. When we try to quantify educational achievements, we inevitably narrow down its worth to only those aspects that can be measured, overlooking other essential dimensions. Every method of quantification carries inherent assumptions about what should be considered valuable, as the indicators themselves are influenced by subjective judgments. Education, regardless of its setting, generates value in ways that extend beyond straightforward measurement, and rightfully so. In reflecting on the intrinsic importance of education in prison, Clint Smith, an educator in a state prison in Massachusetts, contends,

These men are not perfect. They are complicated. They have made mistakes. In other words, they are human. And it is precisely this humanity that demands a space where they can ask and question and create and grapple with all that makes the world what it is—a place where social and intellectual community might be restored in a way that reestablishes an individual's agency. The agency a carceral institution inherently attempts to strip away. It is unfair to treat anyone like a finished being. We are always becoming and unbecoming (Smith 2017).

Working to Eliminate Inequalities and Barriers to Access

The provision of higher education in prison is not merely an isolated endeavor but a complex interplay of multiple stakeholders, including state Departments of Correction (DOC), higher education in-prison (HEP) programs, and colleges/universities. The state/DOC plays a pivotal role as the custodian of incarcerated individuals and holds significant power in shaping policies and practices within correctional facilities. Meanwhile, HEP programs serve as conduits for delivering educational opportunities to incarcerated individuals, bridging the gap between the prison environment and the academic world. Colleges and universities, as providers of higher education, have a responsibility to extend their resources and expertise to support these initiatives. While the expansion of higher education opportunities within correctional facilities is a step towards addressing systemic inequalities, achieving true equity requires a coordinated effort that transcends institutional boundaries.

Ensuring access to higher education in prison demands a holistic approach that recognizes the interconnectedness of various systems and institutions, and holds all institutions accountable in upholding the fundamental right to education, which is reflected in the recommendations below.

Recommendations for HEP Programs

Education, as illustrated throughout this paper, can be an incredibly transformative experience and outlet, particularly for those who are contending with the oppressive forces of the prison system. As such, HEP programs have the potential to reframe and repurpose what ‘rehabilitation’ ought to mean in institutions that historically have prioritized punishment, isolation, and dehumanization. In this possibility, however, we, as advocates, academics, and the like must consistently reflect on how HEP programs might inadvertently exacerbate the issue by expanding the reach of incarceration and perpetuating an unjust system to even more people under the guise of seemingly progressive alternatives and improvements.

The work of higher education in prison must also be contextualized within the broader dynamics of inequity, and “be proactive in resisting normalized assumptions and expectations about students, about potential, and about mission” (Castro & Gould 2019, 7). To avoid perpetuating bias and maintaining a predominately white institutional presence, the work of HEP programs must also be recognized as a reflection of the larger enterprise of higher education, and the equity (specifically racial equity) work that demands to be done in these spaces. This contextualization is also important in protecting against “well-intended but wholly inadequate responses to underrepresentation, such as tokenism and othering” (Castro & Gould 2019, 7). In a field where program leadership demographics often diverge from those of students, there's a significant risk of tokenization (Castro & Gould 2019, 7). As HEP programs expand nationwide, particularly with the reinstatement of Pell Grant access for incarcerated individuals, it is essential to have substantive discussions about the barriers hindering full access to quality higher education for many individuals.

Fortunately for students in Connecticut correctional institutions, TPEP, YPEI, and Asnuntuck are already heavily engaged in these conversations of continuous improvement. However, after assessing the availability, accessibility, acceptability, and adaptability of the right to higher education within HEP programs, considering state/DOC constraints, I propose policy recommendations to enhance these programs’ effectiveness. These suggestions aim to complement existing efforts and are relevant not only to Connecticut but also to HEP initiatives regionally and nationally.

Language Programming, Accommodations Services, and Holistic Admissions Processes

Considering that the convergence of two historically unequal systems - education and incarceration - exacerbates disparities, racial equity must be prioritized in the development of HEP programs, aligning with the demographic composition of the prison population. To this end, there should be a dedicated commitment to designing courses that accommodate individuals with learning disabilities and limited English proficiency, while continually addressing potential barriers that may inadvertently exclude certain individuals from accessing these opportunities. This is especially pertinent given that data from the Second Chance Pell program showed persistent racial inequities in the prison education system (Taber & Muralidharan 2023). Among the 40,000 students who participated in Second Chance Pell between 2016 and 2022, white students were overrepresented in the classroom compared to the general population by approximately seven percentage points. Black students, however, were underrepresented by eight percentage points, and Hispanic/Latino students were underrepresented by 16 percentage points, according to a 2023 report from the Vera Institute (Taber & Muralidharan 2023). This is particularly alarming, considering that Black/African Americans and Hispanic/Latino(a) Americans are disproportionately represented within Connecticut's prison and jails relative to their population size in Connecticut (Career Resources Inc 2024). As Kayla James, senior program associate with the Unlocking Potential initiative at the Vera Institute of Justice, a research and policy organization that has been at the forefront of ending the Pell Grant ban for incarcerated students, remarks:

We're not going to see the true potential of what this really big opportunity [the reinstatement of Pell] is if we're not thinking about everyone who's interested in pursuing a degree having the opportunity to earn one. We need to think about using a racial equity lens to improve the quality of these programs (Taber & Muralidharan 2023).

Part of this critical feature of working to eliminate inequalities and barriers to access to higher education opportunities in prison is carefully balancing efforts to replicate the resources provided on campus while not replicating the elitism inherent in higher education.

In addition to the call for prioritizing racial equity and intersectionality, there is a growing demand to ensure that all students, irrespective of their abilities, language, race/ethnicity, age, or gender, are given access to postsecondary education if they desire it. Achieving equity in these programs involves implementing personalized enrollment strategies and employing holistic admissions criteria that emphasize potential over demonstrated aptitude in particular academic domains.

Equally important is the implementation of comprehensive programming to ensure that students have a choice of what courses they want to take, and what professors

they'd like to instruct them – YPEI provides (see Course Content Reflective of Diversity of Students and Their Preferences under YPEI's Guarantee of an Adaptable Right to Higher Education) a particularly useful model of what this could look like if replicated/reproduced by other HEP programs. Academic advisors, whether specifically assigned to the program or affiliated with the main campus, can assist in augmenting this effort by collaborating with students to evaluate their requirements and passions, crafting a personalized academic roadmap. TPEP's more informal approach (see Course Content Reflective of Diversity of Students and Their Preferences under TPEP's Guarantee of an Adaptable Right to Higher Education) involves engaging students in course development, seeking their input on program objectives, and using student surveys to shape programming. This method could also equally serve as a useful model for continuously evaluating program outcomes, and ensuring responsiveness to students' needs, interests, and experiences.

Reentry Support in Collaboration with Community Organizations

Given that 95% of the incarcerated population will eventually reintegrate into society, one notable area for enhancement in HEP programs is the requirement for comprehensive reentry assistance that extends beyond merely offering pathways to degree completion post-release (Hughes & James Wilson 2004). HEP programs should also include financial advising in their academic programming to inform students of the benefits and potential drawbacks of using Pell to fund their education in prison. This is particularly important to ensure that students do not use up their grant money on a prison program misaligned with their long-term aspirations, especially post-release.

Higher education institutions cannot fully prepare students for reentry on their own, however. In recognition of this, HEP programs and colleges/universities should seek out well-coordinated partnerships with community-based organizations that provide reentry resources related to employment, housing, legal services, family wellness, education and financial aid, and physical and mental health, including drug treatment. Collaborations with Community Partners in Action's Greater Hartford and Greater Waterbury Reentry Welcome Centers could provide a critical link between people with a history of incarceration and the community services they need to achieve self-sufficiency and successfully transition back home for good.

Building off of the reflections offered in the Connecticut Department of Correction 2024 State of Reentry Report, redirecting savings gained through the closing of correction facilities and similar actions into a Justice Reinvestment Fund (JRF) could be an important funding source for such community-based reentry efforts (Career Resources Inc. 2024). According to the Report, the JRF would be a resource to create comprehensive evidence-based approaches to reduce crime, cut recidivism rates, and support reentry success through effective community-based strategies (Career Resources

Inc. 2024). This funding could be utilized to keep Reentry Welcome Centers and similar community organizations afloat amidst funding constraints.

Recommendations for Colleges/Universities

If colleges/universities claim to be committed to social justice, or diversity, equity, and inclusion more broadly, their actions must match their purported obligations. As such, those institutions who do not currently have HEP programs should partner with neighboring institutions that do, utilizing Second Chance Pell to help support them at the onset to offset any potential financial burdens that may prevent them from meaningfully engaging in this work.

“Ban-the-Box” on all Applications for Admission

In seeking to reduce the scope of the neoliberal carceral state and barriers to entry, private colleges/universities (this also applies to state colleges/universities – see “Ban-the-Box” on all Applications for Admission in Recommendations for the State) should immediately “ban-the-box” (prohibiting higher education institutions from using information about criminal history in admissions and financial aid decisions) on all applications for admission. Postsecondary educational institutions should give everyone a fair opportunity to pursue their educational goals, not further punish criminalized people looking to get their lives on track.

Not Positioning Incarcerated Individuals as Spectacle

Although providing experiential learning opportunities through higher education institutions for non-incarcerated students to interact with and learn from incarcerated individuals has been beneficial in the process of rehumanization and dispelling stereotypes, there is a risk that the college or university may unintentionally exploit incarcerated individuals and perpetuate the historical exploitation they have endured as mere “subjects” if their best interests are not prioritized in academic engagements.

Crucially, this requires higher education institutions to be conscientious about the ways that these interactions and learning engagements may reproduce ‘othering’. Service-learning and other initiatives must move beyond designing volunteer or academic opportunities within the program with the primary benefit afforded to students from the outside campus – this benefit – for both groups of students – must be reciprocal, aligned with the purpose and values of the HEP program, and with the needs of the incarcerated students.

Establishing a Grant Fund for a College's/University's HEP Program

For colleges and universities to align their fiscal responsibilities with their human rights commitments regarding HEP programs, creating a grant fund specifically designated for these programs would facilitate expansion, enhance benefits for dedicated faculty and staff, alleviate the need for students to rely on Pell grants, offer supplementary reentry support for students pursuing postsecondary education after release, and crucially ensure the sustainability and excellence of these programs through dependable funding channels.

Recommendations for the State

As demonstrated throughout this paper, the state wields considerable influence in shaping the landscape of higher education opportunities within correctional facilities, spanning funding allocation, attitudes, and infrastructure development. If the institutional mission of corrections is tasked with the safety and rehabilitation of incarcerated individuals, DOC must be committed to incarcerated students' development, and challenge the commonly held notion amongst corrections officers and the like that incarcerated students are 'undeserving' of these opportunities.

DOC and State Budget Allocations to Support Higher Education in-Prison Programming

Therefore, dedicating a portion of DOC budget to support higher education in-prison programming could allow for the necessary improvements CT HEP programs are calling for. This funding would not only allow for program expansion, enabling more people to have access to robust educational services that prepare them for both higher education and employment post-incarceration, but would also work to ensure that education programs inside correctional institutions are of comparable quality and are providing an equitable level of resources as college/university campuses on the "outside", in providing resources that could supplement students' education and their intellectual interests, much of which has proven to aid in maintaining and promoting safety, security, and good behavior amongst incarcerated individuals (Miller 2020, 20). HEP programs and their faculty are in many ways limited to the stipulations and regulations of DOC – as such, DOC, in collaboration with HEP programs themselves, has the opportunity to play an incredibly powerful, positive role in the future of higher education in prison through a specific budgetary allocation committed to supporting the work HEP programs are doing to transform the lives of those in the correctional institutions they serve.

The state itself also has an obligation to invest further in HEP programs, if they are committed to making prisons places of rehabilitative promise. Allocating a specific grant fund that all colleges/universities (both public and private) can apply for would incentivize more institutions to get involved in the initiative by alleviating potential

financial burdens, and help keep smaller programs (particularly those not receiving Second Chance Pell) afloat.

Memorandum of Understanding (MOU) Between HEP Programs and DOC

As reiterated above, working to eliminate inequalities and barriers to access to higher education in prison opportunities – for better or worse – currently requires a collaborative effort across colleges/universities, DOC, and HEP programs. Building off of the recommendations offered in *Equity and Excellence in Practice: A Guide for Higher Education in Prison*, a regularly reviewed Memorandum of Understanding (MOU) should be created and utilized between the program (and, by extension, the respective college/university) and DOC that clearly articulates the roles and responsibilities of both entities, including: the identification of designated contacts for each, responsibility for student admissions, faculty hiring, curriculum development, etc., use of space (classroom, storage, clerical) and times when space will be used, procedures for obtaining clearance for people and materials, provision of inside clerical and/or teaching assistant support, students’ institutional assignment status (including “transfer holds” for all enrolled students), access to institutional technology, equipment, and/or other supplies and materials, and provisions for extra-curricular activities for enrolled students, alumni and the broader prison community (Erzen, Gould, & Lewen 2019). This is certainly not an exhaustive list, but could be a helpful starting point for HEP programs looking to establish a clearer form of communication and mutual respect with DOC and the correctional institutions they operate in.

“Ban-the-Box” on all Applications for Admission

In seeking to reduce the scope of the neoliberal carceral state and barriers to entry, states should immediately “ban-the-box” on all applications for admission to state funded colleges and universities. Postsecondary educational institutions should give everyone a fair opportunity to pursue their educational goals, not further punish criminalized people looking to get their lives on track.

Conclusion

This thesis aimed to examine selected higher education in-prison (HEP) programs in Connecticut. Throughout my research, I aimed to provide a nuanced analysis – based on reflections from incarcerated students themselves about their experiences with higher education in-prison programming, interviews with HEP program leaders, and the available primary data and scholarly research – of whether higher education in-prison programs, as they currently operate, ensure a true right to education for incarcerated students, and whether a right to education, even at its most basic level, can both be guaranteed by the state and fully enjoyed in the particularly oppressive environment that prison fosters. The bulk of my empirical examination was dedicated to assessing these programs through the lens of a human rights conceptual framework. This involved evaluating each program’s adherence to the principles of availability, accessibility, acceptability, and adaptability concerning the provision of higher education to incarcerated individuals. Central to this analysis was the recognition of the inherent and unconditional right to education for all human beings, irrespective of any anticipated returns, whether economic or otherwise. This perspective contrasts with prevailing discourse, particularly regarding Second Chance Pell, which often emphasizes the pragmatic outcomes of incarcerated students’ education as a means to a tangible end. For this purpose, I was also deeply engaged in a broader question, informed by political critical theory, of the intersection of education and incarceration, and the influence of the neoliberal carceral state in shaping our perceptions of the role education ought to play in society, for those within and beyond prison walls.

As my research shows, perhaps unsurprisingly given the constraints of the prison system, HEP programs in Connecticut have yet to fully realize a true right to higher education representative of all four components of the 4-A Scheme Right to Education Primers. Given the limitations of my data, my findings and recommendations cannot be treated as definitive: as highlighted throughout my research, the quality, breadth, and approaches to higher education in prison vary by program, the faculty that support them, funding sources, and the diversity of students, their preferences, and lived experiences. That being said, this thesis illuminates a few things, in addition to the policy recommendations provided in Chapter IV, that can be useful for future research and advocacy work on the subject of higher education in-prison programming.

First, if HEP programs seek to ensure a true right to higher education for incarcerated students, the purpose of education must be understood – by the institutions that ultimately have the power of supporting them i.e. colleges/universities and correctional institutions (the Department of Correction) – as something that exists beyond social and vocational utility, and instead concentrate on higher education’s ability to affirm fundamental human rights and dignity. Measuring the quality and/or success of a HEP program through recidivism rates and framing the economic and sociopolitical benefits these programs typically offer in appealing to relevant stakeholders may be a helpful starting point in securing funding, expanding programming, and building coordination, collaboration, and mutual trust across institutions – all of which HEP program leaders emphasized the significance of – but we can’t stop there, especially if we are

committed to the non-conditional nature of the right to education. To do so not only relies on a myopic conception of efficacy, but crucially ignores the inherent worth of all human beings, regardless of incarcerated status, in their right to the collective project of learning.

Second, that the 4-A Scheme provides a useful – though not perfect – framework in measuring the quality of HEP programs. My interpretation of this framework, with the addition of quality parameters related to the specific nuances and challenges of higher education in-prison programming – namely, the need for course content and programs to be cognizant of and shaped by the diversity of students’ educational backgrounds, interests, and lived experiences, fiscal obligations – of both HEP programs and colleges/universities – that match their human rights obligations, ensuring that potential financial burdens aren’t imposed on incarcerated students for participation in these programs, providing reentry pathways for degree completion post-incarceration, and identifying and addressing academic and language barriers to access to education for historically excluded and/or underrepresented communities offers a helpful starting point for future research on HEP programs, in Connecticut or elsewhere.

Utilizing this framework, my research highlighted areas of improvement that hold all involved institutions accountable, that may not have been apparent otherwise. For HEPs, a more comprehensive reentry support system that works with community organizations, holistic admissions processes, language programming, and accommodations services are needed. For colleges/universities, there is a need to critically engage in HEP programming if institutions claim to be committed to diversity, equity, and inclusion initiatives, establishing a HEP grant fund to ensure stable, quality programming, being conscientious about the ways in which HEP opportunities for traditional students may reproduce ‘othering’, and taking measures to close such inequities. For the state, there is a need for DOC budget allocations that support HEP programming, and a simultaneous effort to challenge the conditions that perpetuate inequity on college/university campuses and in broader society through increased investment in ensuring individuals and families have access to quality food, housing, employment, mental health and health services, and education. Of course, these attributes aren’t exhaustive – as such, future research should remain open to the continuous development of this framework as programs expand and we see more of their long-term outcomes and transformations.

Equally important to this demand to take higher education in prison seriously, colleges and universities must also be committed to challenging the inequalities that currently exist on their campuses. This not only includes eliminating obstacles for students post-release, such as removing questions about past convictions or other admissions barriers, but also critically examining the ways in which their policing practices, disciplinary strategies, course content, and campus culture may reproduce and worsen inequities for the most marginalized. A related, essential component to this is identifying and addressing the inequalities that higher education institutions themselves have perpetuated in neighboring communities. This demand involves repairing and rebuilding relationships with community members by amplifying and addressing their concerns and needs, reparations for those who have been displaced by gentrification inflicted by the college/university, and increased collaboration with community organizations.

Far more broadly, in order to work towards eliminating mass incarceration and reducing its harmful effects, the state needs to invest in the conditions that perpetuate it. The most surefire way of cultivating safe communities is investing in them, and the individuals and families within them. This requires an investment in ensuring individuals and families have access to quality food, housing, employment, mental health and health services, and education. Given that Connecticut has some of the nation's worst school segregation, part of this project must be to fix K-12 school inequalities. Students – particularly students of color – should not suffer from a lack of educational resources or overly punitive school policies that funnel them into prisons simply because of the neighborhood in which they live. In order for education to truly be the “great equalizer” it first has to operate equally, in tandem with providing proper access to quality basic services to address basic needs. Not only would this greatly reduce one's need or pathway to committing crime and/or becoming entangled with the criminal legal system, but also would equip individuals and communities with the resources necessary to succeed.

Aside from some of its shortcomings, HEP programs can be a part of this building up of systems of support that fulfill and affirm human needs, as my conversations with HEP program leaders exemplified. Building off of Ruth Gilmore's definition of abolition, abolition is a way of life and a collective approach to social change (2007). It requires us to engage in strategies that dismantle the structures, institutions, and systems that underpin and sustain prisons and police while at the same time building up systems of care, well-being, and support that fulfill human needs and enable communities to flourish. Part of this endeavor involves refraining from viewing abolition as a singular or revolutionary ‘event’, but rather as an ongoing process and practice (Lamble 2021). Abolition necessitates the dual task of implementing what abolitionists refer to as ‘non-reformist reforms’ – initiatives aimed at diminishing the power and influence of the criminal legal system and reducing dependence on it – while concurrently bolstering our skills, capabilities, and resources for alternative methods of preventing, addressing, and responding to harm (Berger et al. 2017).

Such transformation means practicing everyday abolition. Everyday abolition serves as a means to align efforts for structural change with our daily customs and behaviors (Lamble 2021). It involves dismantling cultural norms and mindsets that perpetuate punitive behaviors and logics (Lamble 2021). There are many different ways of approaching this, but below are three key strategies, offered by Sarah Lamble, author of “Practising Everyday Abolition” in *Abolishing the Police*.

1. **Undo carceral cultures: identify and challenge punitive logics in everyday contexts** (Lamble 2021)

The carceral permeates every aspect of our lives. It is evident in our schools, workplaces, public services, and relationships. When a wrongdoing occurs, carceral ideologies prompt us to attribute the problem to an individual (such as bad choices, inherent evil, upbringing, or otherness) and then to isolate, punish, and often stigmatize both the individual and their community (Lamble 2021). This approach is sometimes overt, through state intervention and the

criminal legal system, or when individuals involve law enforcement. However, it also manifests in subtler, everyday ways that normalize punitive behaviors or glorify redemptive violence.

A fundamental aspect of everyday abolition involves recognizing and confronting the ways in which carceral ideologies infiltrate our daily routines. These narratives are deeply rooted and internalized, which requires deliberate efforts to recognize and dismantle them, especially when we are emotionally attached to punitive or retaliatory reactions. While punishment may offer temporary satisfaction, it seldom leads to the resolution, healing, or sustainable change that we ultimately desire.

2. Shift our everyday responses to harm (Lamble 2021)

Abolition requires us to reduce violence as we are reducing the carceral responses to it (Purnell 2021, 140). An essential aspect of everyday abolition involves refraining from responding to harm with punishment and isolation and instead providing support, safety, healing, and connection, even in challenging circumstances. This requires us to build our collective skills and capacity to prevent harm well before one becomes entangled in the criminal legal system (see Investment in Conditions that Perpetuate Mass Incarceration in Chapter IV) and to foster everyday accountability and reparation if and when harm does occur. In the context of HEP programs, this requires us to shift our preconceived notions of who is ‘deserving’ of education, particularly for those in correctional institutions, and instead see the transformative potential offering access to quality higher education can have on rehabilitation, healing, and diffusing some of the oppressive, dehumanizing effects that often accompany incarceration.

3. Connect the everyday to the bigger picture abolition seeks to achieve (Lamble 2021)

If we don’t challenge these carceral logics and practices at the everyday level, it is incredibly difficult to challenge them at institutional levels. In the words of Ruth Gilmore, what the world will become already exists in fragments and pieces, experiments and possibilities (Gilmore and Lambert 2019). Abolition is building the future from the present, in all of the ways we can (Gilmore and Lambert 2019). We may not have all of the solutions to these systemic issues – and higher education in-prison programming is only one piece of this much larger puzzle – but abolition is a project where we, as activists, academics, and justice-impacted individuals, co-create the answers collectively (Purnell 2021, 139). Providing an outlet through higher education in a place that continuously attempts to strip people of their humanity, I have argued, is part of this abolitionist project.

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