

On lockdown and locked out of the prison classroom: the prospects of post-secondary education for incarcerated persons during pandemic

Clinton Nichols (18th June 2020)

Covid-19 has prompted advocates for post-secondary education in American prisons to focus their activism on the wellbeing of their students as prisons and jails have become vectors for infection. Incarcerated persons lack access to adequate healthcare and the ability to practice preventative measures like social distancing and basic hygiene. In the United States, prisons and jails account for nearly 75% of the top fifty congregate sites of known infections (New York Times 2020). Incarcerated persons, their families, activists and medical professionals have raised alarm about the spread of the virus. Since mid-March 2020, incarcerated persons and supporters working through grassroots organizations have conducted more than 120 actions to demand improved sanitary conditions, immediate release, and increased coronavirus testing in the United States (UCLA Law Project 2020). Activists have also raised funds to donate soap, hand sanitizer, and face coverings for persons caged in jails and prisons in states like Illinois as one example.¹ Among these supporters are teachers who volunteer their time and expertise to offer classes inside prisons and jails. Prison education programs adjusted quickly by stopping the term or transitioning to a correspondence pedagogy. The ability to sustain educational opportunities during this pandemic may prove in jeopardy. This reflection outlines the status of prison education in the United States before identifying the challenges that lay ahead and suggesting that innovations may result in closing rather than expanding classroom doors to incarcerated persons. Activists will need to develop new strategies to sustain and amplify arguments for the expansion of educational opportunities for persons caged in American prisons and jails.

The American federal system of government delegates responsibility for education and crime control to states and local governmental units. This system has resulted in more than 50 different state-level prison systems for felony convictions and more than 3,100 county-level jails for persons awaiting trial or serving misdemeanor convictions. With almost 85% of incarcerated persons caged in state prisons and local jails (Sawyer and Wagner 2020), access to the classroom as a way to promote rehabilitation, societal re-entry, and ending mass incarceration requires activism at the level of state and local governments. Studies have consistently shown that prison education reduces significantly the likelihood of recidivism, but educational programs in American prisons and jails only reached 12% of incarcerated persons at its highest point in the late 1970s (Wright 2001). Ironically by 1982, when the greatest number of post-secondary programs inside prisons and jails peaked at 350, only 27,000 persons representing 9% of the total population of incarcerated adults and juveniles were enrolled in classes (Robinson and English 2017). Consequently, twelve

programs that offered degree granting programs to incarcerated persons expanded by the year 1982 to 350 programs operating in every state. In that year approximately 27,000 persons, representing almost 9% of the total population of incarcerated adults and juveniles in the country, were receiving some form of post-secondary education. American lawmakers decimated post-secondary and vocational programs with Congressional passage of the 1994 Violent Crime Control and Law Enforcement Act. This law made incarcerated persons ineligible for federal financial aid to cover tuition which college and universities had come to rely on after decades of declining support from state governments. By 1997 only eight colleges and universities had continued their programs; over the next eighteen years this number grew to forty-one largely due to the generosity of private donors and volunteers (Sawyer and Wagner 2020). Under a presidential executive order by the Obama administration, federal financial aid started in 2015 as a pilot program enabling 4,000 incarcerated persons to take undergraduate or vocational classes (Robinson and English 2017). The current administration has expanded this initiative but without Congressional repeal of the 1994 law federal support remains tenuous.

The emergence of the novel coronavirus in American prisons and jails earlier this year resulted in quick and ongoing changes to the delivery of educational programs. Structural factors such as a state's dominant ideology about incarceration, the degree of demographic similarity between incarcerated and non-incarcerated populations, and the nature of the working relationship between education program leaders and prison or jail authorities also shape this response. The classes run by the University of Maine at Augusta exemplifies a situation where instructors found supportive partners in that state's prison authorities. When prisons in Maine entered lockdown, prison staff at different facilities agreed to extend ethernet cables into classrooms, even at the maximum security facility, so that instructors could meet smaller groups of students via online meeting platforms (Weissman 2020). This cooperation is not simply a matter of a cooperative relationship between university faculty and prison authorities. This situation also stems in part from the Maine's status as one of two states where incarcerated persons retain the right to vote regardless of the conviction (Lewis 2019) and the demographic racial similarity between its imprisoned population and the state's general population living outside sites of incarceration.

Another structural reality for sustaining educational programs during the pandemic centers on the material commitment prisons are willing to make. Southside Virginia Community College operates College Within Walls (CWW) program at Lunenburg Correctional Center. CWW had developed a residential learning model before the pandemic. The prison authorities dedicated a single housing unit for 90 men to live together while they are enrolled in classes. This dormitory-like setting includes seven teaching assistants who have graduated from this program. CWW students enjoy access to laptops, a quiet study environment, and support from fellow students and the teaching assistants (SVCC 2020). Committing physical infrastructure to has enabled this program

to mitigate the abrupt end to in-person learning that most programs had to adopt across the United States.

The response to Covid-19 by educational programs and prisons and jails in Maine and by Southside Virginia Community College suggest exceptional innovations. Most programs and prisons very quickly shutdown classroom learning and switched to correspondence learning. Lyle May's experience (2020, 2019) as correspondence student on North Carolina's death row highlights the challenges that come with this learning model. Contending with the noise, lack of space, and the lack of technology to study and complete assignments are obstacles inherent to confinement (May 2020). May also identifies how correspondence courses elevate the role and power of prison staff in ways that are instructive of the challenges outside educational programs will encounter as the pandemic continues. Prison staff had to communicate with instructors on his behalf, sign registration forms, receive his course materials, send assignments, designate an exam proctor, and maintain his academic records for case manager, the court, and parole board (May 2019).

In-person classroom interaction as a pedagogy draws its strength from the dialogic interaction between students and instructors. Unexpected learning emerges for all participants. Instructors also gained insights about incarceration by momentarily experiencing humiliations such as the procedure correctional officers use to check visitors are not carrying anything unauthorized into or out of a prison or jail, seeing the physical condition of the facilities, and by hearing the accounts of daily life from their incarcerated students (Walker 2004). Ositelu (2020) notes that face-to-face learning reconnects students to their humanity as instructors see the potential for intellectual and personal development. The abrupt turn to correspondence learning ended these multi-faceted forms of witnessing that instructors bring back to the outside world and that students share with the outside through their writing, artwork, and performances.

The short-term impact of the novel coronavirus has involved restricted visitor access and a shift to a correspondence model of education for many incarcerated students. While the long-term impact of this infectious disease is not fully known, supporters for prison education must be prepared that a therapeutic regimen or even a vaccine will not return everything to the status quo ante. Innovative solutions such as extending greater access to technology to students, segregating students into a separate housing unit, and cooperative partnerships with prison authorities will remain exceptional. Three issues loom large for educational programs and their proponents: constrained prison budgets, privatization of medical concern, and vaccine prioritization.

Prisons will face constrained budgets in the next few years as the economy suffers from outbreaks that disrupt the sources of revenue state and local governments rely on. Prison authorities will not have funds to modify classrooms and other spaces for face to face instruction that meet health guidelines. Prisons have already failed to provide adequate amounts of cleansing supplies to incarcerated persons (IL-CHEP 2020; PNAP 2020). It is

unrealistic that these institutions will install infrastructure to adequately expand access to monitored internet for students to use through tables, laptops, or modified computer labs. Non-profit educational organizations will have to take the lead in funding these efforts. Forms of online instruction also create new and more robust opportunities for prison authorities to surveil students, which has already happened through email systems available to incarcerated persons (see Raheer 2016).

Pushing medical concerns onto volunteer instructors and teaching organizations will be one way that prison authorities respond to Covid-19. Once prisons have lifted lockdowns there will still be restrictions on visitors and increased efforts to conduct basic health screening such as a temperature check. Classroom learning inside prisons and jails will not resume until prison authorities have developed more protocols. Volunteer instructors will face heightened scrutiny since a course running for a 14-week semester necessitates recurring visits to a prison or jail. One possibility involves voluntary educational programs to maintain and provide up to date documentation about instructors' test results. Only instructors who test negative, have Covid antibodies would have permission to enter the prison to teach a class. While there is no cost for testing now, it is likely that private insurance companies will raise costs over time for Covid testing. In this way non-profit organizations and their volunteer teachers will need to consider how to bear these costs for regular testing.

Where prison staff and incarcerated persons fall in the order of importance to receive a vaccine once one (or more) is available will influence any return to face-to-face teaching. If frontline prison officers are not included among doctors and other first responders, correctional officers through their labor unions will oppose efforts to expand the number of outsiders who can enter prisons beyond lawyers who have a constitutional right to see clients. The availability of a vaccine will also become the gold standard that prison authorities will rely on to permit outside educators to resume teaching inside jails and prisons. Outside educational programs can expect limited availability of instructors until vaccination of the general population has started. Prison authorities will likely demand instructors show proof of vaccination just as it is a common requirement for volunteers to provide test results that they are free of tuberculosis. Satisfying universal demand for a vaccine will take more than a year especially if more than one dose is necessary to achieve immunity. Unless the federal government coordinates the efforts of manufacturers to produce the vaccine and necessary related supplies, and the distribution of these items to medical facilities. The haphazard response to the first wave of Covid-19, in which state governors competed against each other for the procurement of supplies and equipment, suggests that vaccination will be as troubled as it was for the polio cure (Conis et al 2020).

Relying almost entirely on voluntary efforts to offer post-secondary classes inside prisons and jails, prison education in the United States had begun to expand under tentative federal support. The advent of Covid-19 presents major challenges with the abrupt transition from classroom instruction to

correspondence learning for students housed in jails and prisons. Effective advocacy for post-secondary education in prisons and jails will require pursuing closer, and in some cases unusual, collaborations. Prison authorities are viable partners only in situations where maximizing the learning opportunities does not result in strengthening the punitive or surveillance power of these institutions. Improving ties with other organizations that run programs inside prisons and jails presents another opportunity. In many prisons and jails a chaplain's office coordinates programming for multiple faith communities. Advocates for prison education can seek to strengthen ties to these religious groups by drawing on their university's historic religious affiliation if applicable. The urgent health concern Covid-19 presents to incarcerated persons invites working with congregations to donate items like soap and face coverings while also informing faith communities about the importance of and ways to support secular educational opportunities inside prisons and jails.

Responding to Covid-19 also presents opportunities for coalition building among universities operating educational programs within the same facility and across a state. The presence of multiple post-secondary educational programs within a prison or jail is less frequent but this situation raises the prospect for coalition building among universities. Stateville Correctional Center, a maximum-security prison near Chicago, hosts five different academic programs. Lockdown at this facility has compelled greater logistical cooperation. Administrators from the five different programs are in greater communication with each other so that one person travels to collect or return student assignments for multiple programs. These university programs can deepen this cooperation by issuing joint media statements and reports, and co-organizing local public events. At the statewide level, university programs can work together to amplify their concerns about incarceration and about the need for increased educational opportunities to state lawmakers and gubernatorial leadership. Nonetheless proponents for prison education will need to be mindful that the current heightened attention to the failures in the American criminal justice system will not lead to immediate reforms. Student access to classrooms in prisons and jails will likely remain limited and or even decline during this pandemic and its immediate aftermath. At its zenith educational programs for incarcerated persons reached only 12% of the American prison population (Wright 2001). This statistic speaks to the ongoing challenge of seeing persons in prisons and jails as inherently worthy to learn and of the need to fundamentally change, if not abolish imprisonment.

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¹ IL-CHEP (Illinois Coalition for Higher Education in Prison) reported on its website that the Illinois Department of Corrections requested in-kind donations that could assist incarcerated persons to have better access to soap and hand sanitizer (URL: <https://ilchep.org/> and <https://ilchep.org/wp-content/uploads/2020/03/Sanitizer-One-Pager-IL-CHEP-1.pdf>, 15 June 2020). Chicago-based Prison & Neighborhood Art Project reported that more than \$4,000 in contributions enabled donation of 4,000 units of soap and six gallons of hand sanitizer to incarcerated men at Stateville Correctional Center at the end of March 2020 (Covid-19 Emergency Response Efforts, <https://p-nap.org/donate.html>, 15 June 2020).