March 28, 2023

The Honorable Michael Dembrow, Chair
Senate Committee on Education

Subject: Senate Bill 269

Chair Dembrow and members of the committee, we represent the Higher Education Coordinating Commission (HECC) and the Oregon Department of Corrections (DOC), and we are providing joint testimony on Senate Bill (SB) 269.

What the Bill Does:

SB 269 would require the Higher Education Coordinating Commission (HECC) and DOC to develop a memorandum of understanding (MOU) for the correctional education system. The MOU would be required to include data sharing between agencies, providing clarity for education programs available to adults in custody (AICs) such as college credit and certification programs, developing a process for aiding AICs with applying for federal financial aid, and implementing any other policy or program necessary to comply with federal regulations related to educating AICs.

Background and Impacts:

We believe the intent of this bill is for the purposes of ensuring a coordinated effort in preparing for and rolling out Pell Grant-funded prison education programs. DOC, HECC, and other stakeholders, such as the Oregon Coalition for Higher Education in Prisons (OCHEP), continue their existing collaboration on these issues; and many of the MOU content requirements identified in the bill are already defined by the federal government regulations issued October 2022 for the return of the Pell Grant for prison education programs.

These federal regulations, which would supersede any MOU agreements, require DOC to create a selection process to ensure the chosen post-secondary education programs are in the best interests of DOC's students. To meet the federal best-interest vetting requirement, input was solicited from HECC, DOC, the partner colleges, OCHEP, and adults in custody to develop the DOC Pell Grant program application. The application stipulates education program Pell Grant eligibility requirements and requires the applicant college or university to identify how they will share data, assist DOC students with the federal financial aid application, offer college counseling, and provide Americans with Disabilities Act (ADA) accommodations. Based on best

practices, DOC anticipates entering into MOUs with each program provider, with each MOU clarifying expectations and other requirements to meet the federal "best interest" factors.

HECC and DOC are already working hand-in-hand on the application process, as well as in developing the advisory committee to review the education program applications. In fact, after attending a national conference, it was found Oregon is well ahead of many states in meeting the Pell Grant prison education program requirements.

HECC and DOC fully support working with each other and have already established an excellent collaborative partnership. We do not believe it would be the best use of resources to develop an MOU as stipulated in this bill which would be redundant to, or potentially conflict with, most of the already established Pell Grant federal requirements. If, however, the committee believes an MOU is still necessary, a mutual agreement that addresses items such as ensuring HECC is a member of the advisory committee, ensuring DOC and HECC collaboration in recruiting advisory committee members, developing the HECC/DOC data sharing agreement, and in developing a consistent data reporting or sharing format for the collection of the data needed from the post-secondary programs could be more beneficial to all parties.

Please note that the Section 1(4)(b) definition of "Correctional facility" includes jails, which are outside DOC's purview.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

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