



Legislation Text

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Res. No. 65

Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.2322/S.4464, which would repeal the ban on incarcerated persons for receiving student financial aid awards.

By Council Members Farías, Stevens, Hanif, Cabán, Brewer, Won, Restler, Hudson, Rivera, Abreu, Feliz, Dinowitz, Joseph, Holden, Barron, Ossé, Louis, De La Rosa, Menin, Krishnan, Velázquez, Schulman, Narcisse, Ayala, Riley, Sanchez, Marte, Bottcher, Nurse, Gutiérrez and Richardson Jordan

Whereas, The United States (U.S.) leads the world in incarceration rates by a substantial margin, per the International Centre for Prison Studies; and

Whereas, The rate of incarceration is disproportionately higher for certain gender, race and ethnic groups; according to the U.S. Bureau of Justice Statistics (BJS), the incarceration rate of Black men is 5.8 times that of white men, while the rate of Black women is 1.8 times that of white women; and

Whereas, While the incarceration rate for New York state (“New York” or “State”) is below the national average, a 2021 Prison Policy Initiative (PPI) report found that New Yorkers are still incarcerated at more than twice the rates of the U.S.’ closest international allies, including the United Kingdom, Portugal and Canada; and

Whereas, According to a 2021 Brannan Center report, despite efforts to scale back mass incarceration, New York continues to operate one of the largest prison systems in the country with 43,500 incarcerated individuals; and

Whereas, Moreover, roughly 337,000 New Yorkers, of whom three-quarters are Black or Latinx, have spent time in prison at some point in their lives; and

Whereas, New York City is home to two State correctional facilities, Edgecomb Residential Treatment Facility in the Bronx and Queensboro in Queens, with a combined capacity of 535; and

Whereas, Data from the National Former Prisoner Survey reveal that formerly incarcerated individuals

are often relegated to the lowest rungs of the educational ladder: more than half have only a high school or high school equivalency (HSE) diploma, and a quarter lack any credential; and

Whereas, PPI research also revealed a 27 percent unemployment rate among formerly incarcerated individuals, and even higher unemployment rates among those with low levels of formal education; and

Whereas, Formerly incarcerated individuals are nearly twice as likely as the general population to have no high school credential; six-to-nine times more likely to have HSE diplomas (three-quarters of which are earned in prison); and eight times less likely to complete college; and

Whereas, Together, those lacking a high school or HSE diploma and those with HSE diplomas, comprise 58 percent of all formerly incarcerated individuals whose traditional high school educations were cut short; and

Whereas, The low rate of high school completion among formerly incarcerated individuals is indicative that overly punitive disciplinary policies and practices contribute to the criminalization and incarceration of large numbers of youth, which is otherwise known as the “school-to-prison pipeline”; and

Whereas, According to the U.S. Bureau of Labor Statistics, in 2020, the typical worker with a bachelor’s degree earned an estimated 67 percent more than someone with only a high school degree, while a typical worker with an associate degree earned an estimated 20 percent more; and

Whereas, Concerning unemployment, the rate for bachelor’s-level workers was 5.5 percent, compared with 7.1 percent for associate-level workers and 9 percent for workers with only a high school diploma; and

Whereas, Studies have shown that Americans with college degrees are more likely to live healthier lives, be satisfied with their jobs, and be more civically engaged than their less-educated peers; and

Whereas, In order to compete in an economy that increasingly demands highly skilled, credentialed workers, incarcerated individuals must find ways to make up for lost educational experiences in prison or upon reentry; and

Whereas, Following the passage of then-Senator Joe Biden’s bill that banned incarcerated individuals

from accessing federal Pell Grants, New York banned incarcerated individuals from accessing the State's Tuition Assistance Program ("TAP"); and

Whereas, As a result, the number of college-in-prison programs decreased from 70 to 4, and today, less than 1,500 incarcerated New Yorkers have access to higher education; and

Whereas, Providing college opportunities in prison has been found to deliver strong employment outcomes, develop employer-demanded skills, make prisons safer, strengthen pathways to successful reentry, reduce recidivism, improve public safety, create a pathway to financial security, and strengthen democracy; and

Whereas, College opportunities for incarcerated individuals have strong potential to improve students' lives, help narrow racial and economic equity gaps in postsecondary attainment and workforce participation, strengthen local economies and communities and disrupt cycles of incarceration that continue to target, harm, and limit opportunity for people of color and people from low-income backgrounds; and

Whereas, Restoring TAP funding to incarcerated individuals will increase public safety, save taxpayer dollars, and create opportunities in communities that have been neglected in higher education; and

Whereas, In January 2022, Governor Kathy Hochul released a budget that restores TAP eligibility to incarcerated New Yorkers; and

Whereas, A.2322/S.4464, sponsored by State Assembly Member Jeffrion Aubry and State Senator Robert Jackson, respectively, would allow incarcerated individuals to use their period of incarceration to pursue their education and thereby better their chances to reenter society as productive, law-abiding citizens; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, A.2322/S.4464, which would repeal the ban on incarcerated persons for receiving student financial aid awards.