



UNITED STATES DEPARTMENT OF EDUCATION

December 3, 2024

Dear Nationally Recognized Accrediting Agency,

We have received questions from both title IV, HEA participating institutions and accrediting agencies regarding the specific accrediting agency documentation requirements needed when an institution applies for prison education programs (PEP) approval. We have also received questions about the required accrediting agency site visit for a PEP at the first two additional locations. This letter outlines the documentation and site visit requirements.

Documentation Requirements

An institution that seeks to offer a PEP must apply to the Secretary to have its first PEP at the first two additional locations determined to be eligible programs for title IV, HEA program purposes as stated in [34 CFR 668.238\(a\)](#). Subsequent PEPs offered by the same postsecondary institution at the same locations may be determined eligible without further approvals from the Secretary except as required by [34 CFR §§ 600.7, 600.10, 600.20\(c\)\(1\), or 600.21\(a\)](#), as applicable, if such programs are consistent with the institution's accrediting or its State approval agency requirements.

Documentation requirements for the two types of programs are outlined below.

- **First PEP at the first two locations or for an additional program offered by a new method of delivery** – The agency approval document must include the name of the program, including the words “prison education program” in the title of the program, and that the program and additional location at the correctional facility are specifically included within the institution’s grant of accreditation as required by [34 CFR § 668.237\(b\)\(1\) and \(2\)](#).
- **Subsequent PEPs** – As accrediting agencies may have different requirements for inclusion within an institution’s grant of accreditation for subsequent PEPs, the Department does not require the same documentation for subsequent programs as are provided for the first PEP. However, for subsequent PEPs the agency documentation must provide the name of the program(s), including the words “prison education program” in the title of the program(s), approval of the correctional facility where the program is offered as an additional location, and confirmation that the program meets the requirements of the accrediting agency ([34 CFR 668.237\(a\)](#)).

Several institutions, especially those participating in the Second Chance Pell experiment, may have more than one program that needs approval as a PEP. As a result, accrediting agencies may provide documentation for the approval of the first program/location and subsequent program/location approvals at the same time and agencies are not required to wait for ED approval of the first program before providing approval of subsequent programs. This allows institutions to submit multiple programs for PEP approval to the Department without the need to wait to submit subsequent programs until after the first program is approved. In cases where the

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accrediting agency is providing approval documents for both the first program and subsequent programs, it must identify which program is the first program. In these cases, the accrediting agency may want to consider identifying the first program as the one that would most benefit from a site visit and other accreditor requirements outlined under [34 CFR 668.237\(b\)](#).

Site Visits

Accrediting agencies must perform a site visit within one year of a PEP being initiated at the first two additional locations under [34 CFR 668.237\(b\)\(3\)](#). The Department understands that, with many programs converting from Second Chance Pell programs to PEPs, there may be unique one-time challenges for accrediting agencies to complete these required site visits and for institutions to prepare for them. As such, the Department is offering some flexibilities regarding this requirement:

- For purposes of calculating the one-year timeframe to perform a site visit, an accrediting agency may consider a PEP “initiated” when that program has been approved by the accrediting agency to operate as a PEP prior to formal Department approval. That is, an accrediting agency does not need to wait for the Department to approve the PEP to conduct its site visit provided the accrediting agency has already approved the program to operate as a PEP and that the PEP is operational.
- For situations where an accrediting agency has recently made an in-person site visit (such as after the end of the COVID-19 national emergency) to the correctional facility as part of the Second Chance Pell program that is transitioning to a PEP alone or as part of a comprehensive accreditation evaluation, the accrediting agency can appropriately narrow the subsequent site visit review required to initiate a PEP to focus only on instructional delivery and the quality of the program.

Next Steps – PEP Approval

Once a PEP is approved, the institution will receive an approval letter or an approval notice and an Eligibility and Certification Approval Report (ECAR) that lists the PEP and the PEP’s initial approval date. ED plans to update the approval letter/notice to include a statement that will instruct the institution to provide a copy of the approval documents to the accrediting agency. As a reminder, after the Best Interest Determination under [34 CFR 668.241](#) is conducted, the regulations at [34 CFR 668.237\(b\)\(4\)](#) require the accrediting agency to review and approve the methodology used by the Oversight Entity to determine that the PEP meets the same standards as substantially similar programs that are not prison education programs at the institution.

If you have questions about the PEP approval process, please reach out to PEP@ed.gov.

Sincerely,



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