

By: Cook

H.B. No. 4251

A BILL TO BE ENTITLED

AN ACT

relating to the provision of postsecondary education to certain inmates in the Texas Department of Criminal Justice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 501, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. POSTSECONDARY EDUCATION IN THE TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE

SECTION 501.181. DEFINITIONS. In this subchapter:

(1) "Correctional facility" means a facility operated by or under contract with the department.

(2) "Postsecondary education or training program" means any course or sequence of courses offered by an institution of higher education to inmates of a correctional facility designed to lead to a degree, certificate, or other credential.

(3) "Prison education program" is a postsecondary education or training program that has the meaning provided in 34 C.F.R. § 668.236.

SECTION 501.182. POSTSECONDARY EDUCATION AUTHORIZED. The department may contract with public and nonprofit institutions of higher education for the provision of postsecondary education and training programs, including prison education programs.

SECTION 501.183. INTENT. It is the intent of the Legislature that, in its administration of this subchapter, the

1 department:

2 (1) oversee postsecondary education and training  
3 programs that:

4 (A) lead to gainful employment for former inmates  
5 and align with the workforce needs of this state;

6 (B) reduce recidivism;

7 (C) improve inmates' overall quality of life and  
8 well-being; and

9 (D) encourage a culture of civility among inmates  
10 within the department's facilities;

11 (2) ensure access to a rich variety of postsecondary  
12 education and training programs for all inmates, including female  
13 inmates and inmates incarcerated in geographically remote  
14 facilities;

15 (3) work collaboratively with the Windham School  
16 District, other state agencies, institutions of higher education,  
17 accrediting bodies, and interested stakeholders to promote the  
18 highest quality educational programming; and

19 (4) maximize enrollment in postsecondary education  
20 and training programs to the extent possible.

21 SECTION 501.184. INFORMATION TO BE PROVIDED BY INSTITUTION  
22 BEFORE VOCATIONAL TRAINING ENROLLMENT. The department shall  
23 require any institution of higher education operating a  
24 postsecondary education or training program within the  
25 department's facilities designed to lead to a license or  
26 certificate from a state agency to, prior to enrollment, inform  
27 each prospective student of:

1           (1) any rule or policy of a state agency that would  
2 impose a restriction or prohibition on the person in obtaining a  
3 certificate or license in connection with the program; and

4           (2) the procedures for:

5                 (A) requesting a criminal history evaluation  
6 letter under Section 53.102, Occupations Code;

7                 (B) providing evidence of fitness to perform the  
8 duties and discharge the responsibilities of a licensed occupation  
9 for purposes of Section 53.023, Occupations Code; and

10                (C) appealing a state agency's denial of a  
11 certificate or license, including deadlines and due process  
12 requirements:

13                         (i) to the State Office of Administrative  
14 Hearings under Subchapter C, Chapter 2001, Government Code; and

15                         (ii) through any other available venue.

16           SECTION 501.185. LIMITS ON ENROLLMENT. (a) The department  
17 may establish by rule criteria that disqualify an inmate from  
18 enrolling in a postsecondary education or training program.

19           (b) The department shall not deny an inmate the opportunity  
20 to enroll in a postsecondary education or training program solely  
21 on the basis of:

22                         (1) the offense for which the inmate was convicted;

23                         (2) the length of the inmate's sentence; or

24                         (3) the remaining time until the inmate's expected  
25 release.

26           SECTION 501.186. POSTSECONDARY EDUCATIONAL REIMBURSEMENT.

27 (a) Out of funds appropriated to the department for postsecondary

1 education or training programs, the department may cover the cost  
2 of tuition and fees for up to two courses per academic term for  
3 inmates who have:

4 (1) demonstrated a record of rehabilitation while  
5 incarcerated; and

6 (2) demonstrated the aptitude and capabilities to do  
7 college-level study.

8 (b) The costs of such programs shall be reimbursed by the  
9 inmate as a condition of parole, beginning not less than six months  
10 following the inmate's release.

11 (c) The department may not charge interest for the repayment  
12 of costs associated with this section.

13 (d) In a parole or mandatory supervision revocation hearing  
14 under Section 508.281, Government Code, at which it is alleged only  
15 that the releasee failed to make a payment under this section, it is  
16 an affirmative defense to revocation that the releasee is unable to  
17 pay the amount required by the department. The releasee must prove  
18 the affirmative defense by a preponderance of the evidence.

19 SECTION 501.187. PRISON EDUCATION PROGRAM APPROVAL. (a)  
20 The department shall establish a formal application and approval  
21 process for institutions seeking to establish a prison education  
22 program in the department's facilities.

23 (b) In making approval decisions under Subsection (a), the  
24 department shall consider:

25 (1) the potential for graduates of the proposed  
26 program to compete for current and emerging jobs or to continue  
27 their postsecondary education upon release;

1           (2) whether the applying institution has a successful  
2 history of offering programs to inmates;

3           (3) whether the proposed prison education program  
4 would be located at a facility that currently has no or limited  
5 postsecondary education or training opportunities;

6           (4) whether the proposed prison education program  
7 would provide postsecondary education or training opportunities to  
8 a student population that currently cannot access similar  
9 opportunities, including by transfer to a different facility;

10           (5) the amount and type of student support services,  
11 including re-entry supports, the institution proposes to offer to  
12 its students; and

13           (6) any other criteria the department deems necessary.

14           (c) The department shall, to the extent practicable,  
15 provide feedback upon request to institutions that have  
16 applications rejected under this section.

17           SECTION 501.188. DATA COLLECTION AND SHARING. (a) The  
18 department shall establish a data-sharing agreement with any  
19 institution approved to operate a prison education program in the  
20 department's facilities. Such an agreement must be sufficient for  
21 the institution to comply with applicable federal laws or  
22 regulations.

23           (b) The department may enter into a memorandum of  
24 understanding with the Windham School District, the Texas Education  
25 Agency, the Department of Public Safety, the Texas Workforce  
26 Commission, the Texas Higher Education Coordinating Board, and any  
27 relevant state licensing agencies to obtain and share data to:

1           (1) evaluate the effectiveness of postsecondary  
2 education and training programs within its facilities; and

3           (2) perform any evaluations of prison education  
4 programs as required by federal law or regulations.

5           (c) Unless made confidential by other law, any  
6 nonidentifiable data used to evaluate the effectiveness of  
7 postsecondary education and training programs within the  
8 department's facilities is considered public information under  
9 Chapter 552, Government Code.

10           SECTION 501.189. FUNDING. The department may solicit and  
11 accept gifts, grants, and other donations for the purposes of  
12 administering this subchapter.

13           SECTION 501.190. ANNUAL REPORT. In its annual report, the  
14 department shall produce a list of postsecondary education and  
15 training programs active in its facilities, including, for each  
16 program:

17                   (1) the facility in which the program is operating;

18                   (2) the institution or institutions of higher  
19 education operating the program;

20                   (3) whether the program is a prison education program;  
21 and

22                   (4) the total unduplicated enrollment of the program  
23 in that year, disaggregated by race, ethnicity, and gender.

24           SECTION 501.191. RULES. The board may adopt rules as  
25 necessary to administer this subchapter.

26           SECTION 2. (a) In this section, "board" means the Texas  
27 Higher Education Coordinating Board.

1           (b) Not later than June 1, 2024, the board, in collaboration  
2 with the Texas Department of Criminal Justice and any other entity  
3 necessary for this purpose, shall identify and implement a means of  
4 identifying and separating incarcerated students from aggregated  
5 datasets within the board's purview for the purpose of measuring  
6 academic effectiveness and other relevant characteristics.

7           (c) This section expires December 31, 2024.

8           SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2023.