

BILL ANALYSIS

C.S.H.B. 797
By: Thompson, Senfronia
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Individuals with felony convictions are restricted from license eligibility in certain fields and in particular circumstances. Many such individuals are the subject of these restrictions despite their participation in trade-specific vocational training during incarceration. There is concern that individuals may begin training for a trade during incarceration without full awareness of the stringent and often insurmountable restrictions they will face after release. Interested parties assert that better information from the Windham School District regarding vocational training will assist these individuals in making decisions that will be crucial to their lives after prison and, in addition, will help the district better utilize its limited educational resources. C.S.H.B. 797 seeks to provide an incarcerated individual with more complete information regarding future job opportunities before the individual enrolls in a district vocational training program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 797 amends the Education Code to require the Windham School District, before a person confined or imprisoned in the Texas Department of Criminal Justice who is not a high school graduate enrolls in a district vocational training program, to inform the person in writing of the following information:

- any rule or policy of a state agency that would impose a restriction or prohibition on the person in obtaining a certificate or license in connection with the vocational training program;
- the total number of district students released during the preceding 10 years who have completed a district vocational training program that allows for an opportunity to apply for a certificate or license from a state agency, the number of those students who have applied for a certificate or license from a state agency, the number of those students who have been issued a certificate or license by a state agency, and the number of those students who have been denied a certificate or license by a state agency; and
- the procedures for requesting a criminal history evaluation letter as a preliminary evaluation of license eligibility, the procedures for providing evidence of fitness to perform the duties and discharge the responsibilities of a licensed occupation, and the procedures for appealing a state agency's denial of a certificate or license.

The bill's provisions apply only regarding enrollment of a person in a Windham School District vocational training program on or after September 1, 2013.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 797 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 19, Education Code, is amended by adding Section 19.0042 to read as follows:

Sec. 19.0042. INFORMATION TO BE PROVIDED BY DISTRICT BEFORE VOCATIONAL TRAINING PROGRAM ENROLLMENT. Before a person described by Section 19.005 enrolls in a district vocational training program, the district must inform the person in writing of: (1) any rule or policy of a state agency that would impose a restriction or prohibition on the person in obtaining a certificate or license in connection with the vocational training program; (2) **for the preceding three-year period**, the total number of district students who have completed a district vocational training program and, of those students:

- (A) the number who have been denied a certificate or license by a state agency; and
- (B) the number who have been issued a certificate or license by a state agency; and
- (3) the procedures for:
 - (A) requesting a criminal history evaluation letter under Section 53.102, Occupations Code;
 - (B) providing evidence of fitness to perform the duties and discharge the responsibilities of a licensed occupation for purposes of Section 53.023, Occupations Code; and
 - (C) appealing a state agency's denial of a certificate or license, including deadlines and due process requirements:
 - (i) to the State Office of Administrative Hearings under Subchapter C, Chapter 2001, Government Code; and
 - (ii) through any other available avenue.

SECTION 2. Section 19.0042, Education

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 19, Education Code, is amended by adding Section 19.0042 to read as follows:

Sec. 19.0042. INFORMATION TO BE PROVIDED BY DISTRICT BEFORE VOCATIONAL TRAINING PROGRAM ENROLLMENT. Before a person described by Section 19.005 enrolls in a district vocational training program, the district must inform the person in writing of: (1) any rule or policy of a state agency that would impose a restriction or prohibition on the person in obtaining a certificate or license in connection with the vocational training program; (2) the total number of district students **released during the preceding 10 years** who have completed a district vocational training program **that allows for an opportunity to apply for a certificate or license from a state agency** and, of those students:

- (A) **the number who have applied for a certificate or license from a state agency;**
- (B) the number who have been issued a certificate or license by a state agency; and
- (C) the number who have been denied a certificate or license by a state agency; and
- (3) the procedures for:
 - (A) requesting a criminal history evaluation letter under Section 53.102, Occupations Code;
 - (B) providing evidence of fitness to perform the duties and discharge the responsibilities of a licensed occupation for purposes of Section 53.023, Occupations Code; and
 - (C) appealing a state agency's denial of a certificate or license, including deadlines and due process requirements:
 - (i) to the State Office of Administrative Hearings under Subchapter C, Chapter 2001, Government Code; and
 - (ii) through any other available avenue.

SECTION 2. Same as introduced version.

Code, as added by this Act, applies only regarding enrollment of a person in a Windham School District vocational training program on or after September 1, 2013.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.