

BILL ANALYSIS

Senate Research Center

S.B. 526
By: West
Education
5/24/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In December 2020, after several years of a successful Second Chance Pell Pilot, federal lawmakers expanded access to Pell Grants to once again include students who are incarcerated, as long as they are enrolled in prison education programs that are approved by their state corrections department or the Federal Bureau of Prisons, and meet all other requirements for course work funded by Pell Grants.

The United States Department of Education anticipates fully implementing legislative changes to allow all eligible students in college-in-prison programs to access federal Pell Grants by July 1, 2023.

In order to ensure that those persons who are incarcerated receive only the highest quality of education funded by federal tax dollars, any higher education programs offered in Texas' state penal institutions should be approved by the Texas Higher Education Coordinating Board. Ensuring that these programs are reviewed by institutions involved in higher education, as opposed to those solely involved in criminal justice, will ensure that programs offered in Texas' state penal institutions meet the highest quality requirements, and provide meaningful opportunities state prisoners can use once released.

The only difference between the substitute and the introduced bill is that the substitute gives the Texas Higher Education Coordinating Board rulemaking authority to implement these provisions.

S.B. 526 amends current law relating to requiring prior approval by the Texas Higher Education Coordinating Board to offer a degree or certificate program to certain persons who are incarcerated or subject to involuntary civil commitment.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 61.05123, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.05123, as follows:

Sec. 61.05123. BOARD APPROVAL REQUIRED FOR ACADEMIC PROGRAMS OFFERED TO CERTAIN STUDENTS WHO ARE INCARCERATED OR SUBJECT TO INVOLUNTARY CIVIL COMMITMENT. (a) Defines "penal institution."

(b) Requires an entity that seeks to offer a degree or certificate program to a person confined in a penal institution or required to reside in a facility operated by or under contract with the Texas Civil Commitment Office under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, to obtain the Texas Higher Education Coordinating Board's (THECB) prior approval to offer the program if enrollment in the program would make the person eligible to receive a grant under the federal Pell Grant program.

(c) Authorizes THECB to adopt rules necessary to implement this section.

SECTION 2. Provides that Section 61.05123, Education Code, as added by this Act, applies beginning with degree and certificate programs offered for the 2023–2024 academic year.

SECTION 3. Effective date: upon passage or September 1, 2023.