

## **BILL ANALYSIS**

S.B. 526  
By: West  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to the U.S. Department of Education (DOE), the Second Chance Pell Experiment was first established in 2015 by the Obama-Biden Administration to provide Pell Grants to incarcerated individuals to allow them to participate in postsecondary education programs. After several years of success with this program, federal lawmakers removed a long-standing ban on federal Pell Grants being awarded to students who are incarcerated as part of the FAFSA Simplification Act enacted in December 2020. This act made incarcerated students eligible for Pell Grants as long as they are enrolled in prison education programs. DOE has announced that it anticipates fully implementing this change by July 1, 2023, and in regulations adopted to implement this expanded Pell Grant eligibility, required in part that prison education programs be approved by the applicable state corrections department, the Federal Bureau of Prisons, or another entity that is responsible for overseeing the correctional facility.

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 state penal institutions should be approved by the Texas Higher Education Coordinating Board (THECB). S.B. 526 seeks to require prior approval from the THECB before an entity may 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 if enrollment in the program would make the person eligible to receive a Pell Grant.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 526 amends the Education Code to require 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 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. For this purpose, the bill defines "penal institution" by reference as a county jail, a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Juvenile Justice Department, or a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department. The bill authorizes the THECB to adopt rules necessary to

implement the bill's provisions, which apply beginning with degree and certificate programs offered for the 2023-2024 academic year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.