

## **BILL ANALYSIS**

Senate Research Center  
88R3858 CXP-D

S.B. 526  
By: West  
Subcommittee on Higher Education  
3/28/2023  
As Filed

### **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.

As proposed, 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**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **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 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.

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.