88R23778 CXP-F

By:  Cook H.B. No. 4251

Substitute the following for H.B. No. 4251:

By:  Herrero C.S.H.B. No. 4251

A BILL TO BE ENTITLED

AN ACT

relating to the provision of postsecondary education and training 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 TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Sec. 501.201.  DEFINITIONS. In this subchapter:

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

(2)  "District" means the Windham School District.

(3)  "Postsecondary education or training program" means any course or sequence of courses offered by a postsecondary educational institution designed to lead to a degree, certificate, or other credential.

(4)  "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code.

(5)  "Prison education program" means an eligible prison education program as defined by 34 C.F.R. Section 668.236(a).

Sec. 501.202.  POSTSECONDARY EDUCATION AUTHORIZED. The department may contract with a postsecondary educational institution for the provision of postsecondary education or training programs, including prison education programs, to inmates of correctional facilities.

Sec. 501.203.  LEGISLATIVE INTENT. It is the intent of the legislature that, in the administration of this subchapter, the department:

(1)  oversee postsecondary education or training programs for inmates of correctional facilities that:

(A)  lead to gainful employment for former inmates in alignment with the workforce needs of this state;

(B)  reduce recidivism;

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

(D)  encourage a culture of civility among inmates;

(2)  ensure access to a rich variety of postsecondary education or training programs for all correctional facility inmates, including female inmates and inmates incarcerated in geographically remote facilities;

(3)  work collaboratively with the district, other state agencies, postsecondary educational institutions, accrediting bodies, and interested stakeholders to promote the highest quality educational programming; and

(4)  maximize enrollment in postsecondary education or training programs to the extent possible.

Sec. 501.204.  INFORMATION TO BE PROVIDED BY INSTITUTION BEFORE VOCATIONAL TRAINING ENROLLMENT. The department shall require a postsecondary educational institution providing to inmates of a correctional facility a postsecondary education or training program designed to lead to a license or certificate issued by a state agency to inform each person before enrollment of:

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

(2)  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; and

(ii)  through any other available venue.

Sec. 501.205.  ENROLLMENT LIMITATIONS. (a) The department by rule may establish criteria that disqualifies a correctional facility inmate from enrolling in a postsecondary education or training program offered under this subchapter.

(b)  The department may not deny a correctional facility inmate the opportunity to enroll in a postsecondary education or training program offered under this subchapter solely on the basis of the:

(1)  offense for which the inmate was convicted;

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

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

Sec. 501.206.  POSTSECONDARY EDUCATION EXPENSE PAYMENT AND REIMBURSEMENT. (a) Out of money appropriated to the department for postsecondary education or training programs for correctional facility inmates, the department may pay the cost of tuition and fees for enrollment in not more than two courses per academic term for a correctional facility inmate who has demonstrated:

(1)  a record of rehabilitation while incarcerated; and

(2)  the aptitude and capabilities to successfully complete college-level coursework.

(b)  A correctional facility inmate for whom the department pays the cost of tuition and fees under Subsection (a) shall reimburse the department for those costs as a condition of parole, beginning not less than six months after the inmate's release.

(c)  The department may not charge interest for the repayment of costs under this section.

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

Sec. 501.207.  PRISON EDUCATION PROGRAM APPROVAL. (a) The department by rule shall establish a formal procedure for a postsecondary educational institution to apply to provide a prison education program to inmates of a correctional facility under this subchapter.

(b)  In determining whether to approve an application under Subsection (a), the department shall consider:

(1)  the potential for graduates of the proposed program to compete for current and emerging jobs or to continue postsecondary education on release;

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

(3)  whether the proposed program would:

(A)  be offered at a correctional facility that currently has no or limited postsecondary education or training opportunities; and

(B)  provide postsecondary education or training opportunities to a student population that currently cannot access similar opportunities, including by transfer to a different facility;

(4)  the amount and type of student support services, including reentry supports, the institution proposes to offer under the program; and

(5)  any other criteria the department considers necessary.

(c)  To the extent practicable, the department shall provide feedback on request to a postsecondary educational institution whose application under this section is rejected.

Sec. 501.208.  DATA COLLECTION AND SHARING.  (a)  The department shall establish a data-sharing agreement with each postsecondary educational institution with whom the department contracts to offer a program to inmates of a correctional facility under this subchapter. The agreement must ensure that the institution complies with applicable federal or state law or regulations.

(b)  The department may enter into a memorandum of understanding with the district, the Department of Public Safety, the Texas Workforce Commission, the Texas Education Agency, the Texas Higher Education Coordinating Board, and any relevant state licensing agency to obtain and share data to:

(1)  evaluate the effectiveness of postsecondary education or training programs offered under this subchapter to inmates of correctional facilities; and

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

(c)  Except as provided by other law, data used to evaluate the effectiveness of postsecondary education or training programs offered under this subchapter to inmates of correctional facilities, other than personally identifying information of students, is public information under Chapter 552.

Sec. 501.209.  GIFTS, GRANTS, AND DONATIONS.  The department may solicit and accept gifts, grants, and donations from any public or private source for the purpose of administering this subchapter.

Sec. 501.210.  ANNUAL REPORT.  The department annually shall develop and publish a list of the postsecondary education or training programs offered under this subchapter to inmates of correctional facilities, including for each program:

(1)  the correctional facility in which the program is offered;

(2)  the postsecondary educational institution that offers the program;

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

(4)  the number of inmates enrolled in the program for that year, disaggregated by race, ethnicity, and gender.

Sec. 501.211.  RULES.  The board may adopt rules as necessary to administer this subchapter.

SECTION 2.  Not later than June 1, 2024, the Texas Higher Education Coordinating Board, in collaboration with the Texas Department of Criminal Justice and any other entity necessary for the purpose, shall identify and implement a means of, for the purpose of measuring academic effectiveness and other relevant characteristics of postsecondary education or training programs offered under Subchapter G, Chapter 501, Government Code, as added by this Act:

(1)  identifying in the coordinating board's aggregated datasets correctional facility inmates enrolled in postsecondary education or training programs; and

(2)  separating the coordinating board's data for correctional facility inmates enrolled in postsecondary education or training programs offered under Subchapter G, Chapter 501, Government Code, as added by this Act, from the coordinating board's data for inmates enrolled in other postsecondary education or training programs.

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, 2023.