

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

1 department may contract with a postsecondary educational
2 institution for the provision of postsecondary education or
3 training programs, including prison education programs, to inmates
4 of correctional facilities.

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

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

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

12 (B) reduce recidivism;

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

15 (D) encourage a culture of civility among
16 inmates;

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

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

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

27 Sec. 501.204. INFORMATION TO BE PROVIDED BY INSTITUTION

1 BEFORE VOCATIONAL TRAINING ENROLLMENT. The department shall
2 require a postsecondary educational institution providing to
3 inmates of a correctional facility a postsecondary education or
4 training program designed to lead to a license or certificate
5 issued by a state agency to inform each person before enrollment of:

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

9 (2) the procedures for:

10 (A) requesting a criminal history evaluation
11 letter under Section 53.102, Occupations Code;

12 (B) providing evidence of fitness to perform the
13 duties and discharge the responsibilities of a licensed occupation
14 for purposes of Section 53.023, Occupations Code; and

15 (C) appealing a state agency's denial of a
16 certificate or license, including deadlines and due process
17 requirements:

18 (i) to the State Office of Administrative
19 Hearings under Subchapter C, Chapter 2001; and

20 (ii) through any other available venue.

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

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

1 of the:

2 (1) offense for which the inmate was convicted;

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

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

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

12 (1) a record of rehabilitation while incarcerated; and

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

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

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

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

27 Sec. 501.207. PRISON EDUCATION PROGRAM APPROVAL. (a) The

1 department by rule shall establish a formal procedure for a
2 postsecondary educational institution to apply to provide a prison
3 education program to inmates of a correctional facility under this
4 subchapter.

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

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

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

12 (3) whether the proposed program would:

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

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

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

23 (5) any other criteria the department considers
24 necessary.

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

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

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

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

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

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

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

27 Sec. 501.210. ANNUAL REPORT. The department annually

1 shall develop and publish a list of the postsecondary education or
2 training programs offered under this subchapter to inmates of
3 correctional facilities, including for each program:

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

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

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

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

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

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

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

25 (2) separating the coordinating board's data for
26 correctional facility inmates enrolled in postsecondary education
27 or training programs offered under Subchapter G, Chapter 501,

1 Government Code, as added by this Act, from the coordinating
2 board's data for inmates enrolled in other postsecondary education
3 or training programs.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.