

BILL ANALYSIS

C.S.H.B. 5261
By: Cunningham
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that, with an increasing number of jobs requiring some postsecondary education or training, promoting enrollment in higher education programs in prison is a key strategy for ensuring successful reentry into society after release. The bill author has also informed the committee that, while changes in community college finance formulas and the recent availability of Pell grants for incarcerated individuals present new opportunities to expand these impactful higher education programs in prisons, Texas is unfortunately not adequately capitalizing on these opportunities. A report by Texas 2036 found that, from 2011 to 2022, the number of incarcerated Texans enrolled in college programs declined roughly 50 percent. The bill author has further informed the committee that one reason for this decline could be a general lack of governance and coordination from the Texas Department of Criminal Justice (TDCJ). C.S.H.B. 5261 seeks to address these issues by requiring the Windham School District and TDCJ to enter into a memorandum of understanding for postsecondary education programs to be administered by the district.

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

ANALYSIS

C.S.H.B. 5261 amends the Education Code to require the Windham School District and the Texas Department of Criminal Justice (TDCJ) to enter into a memorandum of understanding for postsecondary education programs to be administered by the district. The bill requires the district to establish a postsecondary education advisory board to advise TDCJ regarding postsecondary education programs and establishes that the advisory board is composed of members who are relevant stakeholders, including the following:

- a representative of the Texas Higher Education Coordinating Board (THECB);
- a representative of the Texas Department of Licensing and Regulation (TDLR);
- a representative of the Texas Workforce Commission (TWC);
- a representative of public institutions of higher education on a rotating basis;
- a representative from an organization that represents the families of the district's students;
- a representative of an organization that advocates for the education of the district's students; and
- a current or former district student.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5261 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require the Windham School District and TDCJ to enter into a memorandum of understanding. However, whereas the introduced established that the memorandum was for the district to administer postsecondary education programs through partnerships with postsecondary educational institutions to inmates of TDCJ, the substitute establishes that the memorandum is for postsecondary education programs to be administered by the district.

While both the introduced and the substitute require the advisory board established by the Windham School District for the purpose of advising TDCJ regarding postsecondary education programs to be composed of certain members, the versions differ in the following ways:

- whereas the introduced required the board to include multiple representatives of the following entities, the substitute requires the board to include a single representative of those entities:
 - the THECB;
 - TDLR;
 - TWC; and
 - public institutions of higher education on a rotating basis;
- whereas the introduced required the board to include multiple representatives from an organization that represents the families of inmates of TDCJ, the substitute requires the board to include a single representative from an organization that represents the families of the district's students;
- whereas the introduced required the board to include multiple representatives of an organization that advocates for the education of inmates of TDCJ, the substitute requires the board to include a single representative of an organization that advocates for the education of the district's students; and
- whereas the introduced required the board to include multiple current or former inmates of TDCJ, the substitute requires the board to include a single current or former district student.