

November 14, 2024

To: Sunset Advisory Commission

Re: Issue 4 Recommendations re: postsecondary education programs

Dear Members of the Sunset Advisory Committee,

On behalf of EdTrust in Texas and the five organizations undersigned, thank you for the opportunity to submit written testimony regarding Sunset Staff recommendations related to the administration and management of postsecondary education programming within the Texas Department of Criminal Justice (TDCJ). We thank Staff for their diligent research and thoughtful recommendations reflected in Issue 4 and appreciate the Commission's leadership to ensure the adopted version positively impacts the lives of all Texans, including incarcerated individuals, staff within our prisons, and communities across the state.

As cited in the Staff Report, studies show that individuals who participate in higher education while incarcerated are 43% less likely to reoffend and have a 13% higher likelihood of obtaining employment upon release than non-participants.¹ Postsecondary education and training programs have also been shown to enhance prison culture, creating safer and more stable environments for both residents and staff.²

Based on the strong body of evidence demonstrating the benefits of higher education in prisons, the three previous presidential administrations have worked to fully restore Pell Grant eligibility for incarcerated individuals. According to Vera Institute of Justice, nearly half of all incarcerated Texans are Pell-eligible; expanding access to postsecondary education to just a quarter of these individuals would result in more than \$19 million in annual cost savings for the state and more than \$4.6 million in combined earnings during year one of release.³

Enshrine Postsecondary Programming in Statute

As acknowledged in Recommendation 4.12, Rider 26 in the General Appropriations Act has historically governed postsecondary education within TDCJ. There remains no statute in place, and no statutory change recommended in the Staff Report. **We believe this is insufficient and recommend the establishment of a statutory basis to better reflect legislative intent, enshrine basic governance principles, and ensure longevity and consistency for postsecondary education programming in Texas prisons.**

Transfer Administration and Management to Windham School District (WSD) in Statute

Based on a preponderance of evidence, we believe transferring administration and management of postsecondary education from TDCJ to WSD serves the best interests of all interested parties. Along with the capacity and resources cited in the Staff Report, it should be noted that WSD previously managed these programs before this function was transferred to TDCJ in 2011 with no statutory oversight. Since that time, enrollment and credential completion has subsequently declined by nearly 50%. While Recommendation 4.12 to transfer this function back to WSD through a Change in Appropriations (Rider

¹ Davis, L., Steele, J., Bozick, R., William, M., et al. (2014, March). How Effective is Correctional Education, and Where Do We Go From Here?. Rand Corporation.

² Winterfield, L., Coggeshall, M., Burke-Storer, M., Correa, V., & Tidd, S. (2009, May). The Effects of Postsecondary Correctional Education: Final Report. Urban Institute Justice Policy Center.

³ Oakford, P., Brumfield, C., Goldvale, C. Tatum, L. et al. (2019, January). Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison. Vera Institute of Justice.

26) represents an improvement, **we recommend the memorandum of understanding accomplishing this transfer be required by statute.**

Codify the Postsecondary Education Reimbursement (PSER) Program in Statute

As noted above, restored Pell Grant eligibility represents a significant opportunity to expand postsecondary programming and student access. We support the recommendations within 4.12 intended to capitalize on this funding but also wish to call attention to the state's Postsecondary Education Reimbursement (PSER) program. This program offers those who qualify a zero-interest loan to cover costs of higher education or vocational programs within TDCJ, with repayment acting as a condition of parole. Unmentioned in the Staff Report, PSER remains an important source of funding, especially as programs work through a multi-step approval process to access Pell dollars. **We recommend the codification of this program in statute, which has historically been governed by a budget rider, to ensure both appropriate non-administrative expenditures and borrower protections.**

Bolster Selection of High-Quality Programs

We support the recommendations within 4.12 that aim to assist interested institutions with the application process and clear criteria for program approval. This is especially important as federal Pell guidelines require programs to undergo an initial two-year review to assess whether they are meeting the "best interests of the students." This determination must consider certain data and the input of relevant stakeholders. TDCJ has already formed an Advisory Board with representation from relevant state agencies, including the WSD and Texas Higher Education Coordinating Board, college practitioners, and program alumni. **To date, this Advisory Board has provided essential input and assistance, and we recommend its role and composition be formally established as part of transferring administration to WSD.**

We also encourage the Commission to anticipate scenarios in which some correctional facilities, especially in rural Texas, may have limited access to programs based on institutional service areas. **Current law provides a streamlined process for colleges to enter into agreements with employers to provide education and training programs, regardless of the institution's service area, and we recommend a similar streamlining be available to offer high-quality programs in TDCJ facilities.**

Provide Guidance on Student Eligibility

In 2023, WSD enrolled more than 47,000 students in secondary education, 3,254 of whom earned their high school diploma and 17,933 of whom earned a workforce certification or license. As of April 2024, just 1,855 of these students were enrolled in a postsecondary program, with 8,367 students waitlisted. To help more interested and eligible students participate in postsecondary education and training opportunities, **we believe it is necessary to respect TDCJ's broad discretion and recommend removing enrollment restrictions based solely on offense, sentence length, or remaining time until expected release.**

Ensure Improved Data Collection and Reporting

We support the transfer of program reporting and evaluation to WSD, along with the additional reporting requirements outlined in Recommendation 4.12 (list of postsecondary programs, postsecondary enrollment data, Pell Grant utilization data, and recidivism and employment outcomes). To ensure TDCJ/WSD can fulfill these expectations and bring them more fully into the state's education/workforce data ecosystem, **we recommend required data-sharing agreements between these agencies, the Texas Education Research Center, and institutions of higher education.**

Thank you for your consideration and we look forward to engaging further as you work to ensure TDCJ and WSD efficiently fulfill their missions to better serve the state of Texas in the future.

Gratefully,

Alexa Garza
Texas Policy Associate
The Education Trust in Texas



Supporting Organizations

