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**TESTIMONY 2013**

**H.B. 797**

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of H.B. 797, which will provide critical information about occupational licensing to individuals incarcerated in the Texas Department of Criminal Justice (TDCJ) who are considering enrolling in vocational courses through the Windham School District (WSD).

**INDIVIDUALS CONSIDERING IN-PRISON VOCATIONAL COURSES SHOULD HAVE INFORMATION ABOUT THE LICENSING PROCESS, RESTRICTIONS, AND THE LIKELIHOOD OF LICENSURE**

Individuals with criminal felony convictions are restricted from license eligibility in certain fields and in particular circumstances,<sup>1</sup> despite many having participated in trade-specific vocational training during incarceration. In fact, the Texas Education Code mandates that entities like the Windham School District (WSD), which provide in-prison vocational courses, prioritize teaching trades that require licensure.<sup>2</sup>

**Incarcerated individuals who do not realize that they may face stringent and perhaps insurmountable post-release obstacles to obtaining a licensing may sign up to learn a trade that they will never be able to practice.** This is costly, both to the individuals who pay course fees and to WSD.

During 2011-2012, the average monthly number of individuals waiting to enroll in a Career and Technical Education (CTE) course totaled more than 26,000.<sup>3</sup> These individuals met the specified enrollment criteria and had been identified by education counselors as a good fit for a given course. But **WSD is only wasting money by teaching trades to individuals who likely cannot practice them after leaving prison.**

To best use its limited resources, WSD should seek to offer trade courses to individuals who have a realistic opportunity to practice those trades after release. By providing vocational course applicants with information about their likelihood of post-release licensure, WSD will help to identify stronger candidates for vocational courses, reduce waiting lists, and improve its operational efficiency.

**KEY FINDINGS**

- WSD provides vocational training in more than 30 trades. Approximately 3,200 individuals participate in CTE courses each day. During the 2011-2012 school year, a total of 10,074 individuals participated in such courses.<sup>4</sup>
- Licensing authorities can deny licenses to individuals for having committed crimes “directly related” to the duties and responsibilities of the licensed occupation, or for crimes committed less than five years before application for the license.
- Evidence has shown that many licensing agencies view nearly all crimes as “directly related” to the occupations they issue licenses for.<sup>5</sup> For example, the boards that regulate water well drillers, auctioneers, and barbers each consider crimes involving illegal drugs to be directly related to their fields.<sup>6</sup>

*Solution offered on reverse*

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 797 BY REPRESENTATIVE THOMPSON

- **H.B. 797 requires WSD to provide potential vocational trade students with information about post-release licensing restrictions, rates of licensing among past WSD students, and the licensing and appeals process.** This will allow incarcerated individuals to make better decisions about enrolling in vocations courses, thus enabling the best possible opportunities to find meaningful employment and contribute as a taxpayer in the community after release from prison. It will also help WSD identify students who will most benefit from limited vocational course slots, while reducing long waitlists.

### CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of this bill. It is crucial for incarcerated individuals to have all necessary information to make decisions that will have a life-long impact on their ability to find meaningful employment after their release. Given that H.B. 797 will help these individuals effectively evaluate vocational and career options while facilitating more efficient resource allocation by the Windham School District, the Texas Criminal Justice Coalition strongly urges you to support it.

### **Citations**

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<sup>1</sup> Texas Code provisions and agency standards contain innumerable licensing restrictions that take many forms and depend on trade, license sought, conviction, and other criteria.

<sup>2</sup> TEX. EDUC. CODE § 19.004 (c)(1-a), <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.19.htm#19.005>.

<sup>3</sup> Legislative Budget Board, *Windham School District Evaluation*, January 2012, p. 2, [http://www.lbb.state.tx.us/Public\\_Safety\\_Criminal\\_Justice/Windham/Windham%20School%20District%20Evaluation%20Reports2013.pdf](http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Windham/Windham%20School%20District%20Evaluation%20Reports2013.pdf).

<sup>4</sup> *Ibid.*, pp. 1, 2.

<sup>5</sup> Marc Levin, *Working with Conviction: Criminal Offenses as Barriers to Entering Licensed Occupations in Texas*, Texas Public Policy Foundation, Center for Effective Justice.

<sup>6</sup> Texas Department of Licensing and Regulation, *Licensing Restriction Guidelines for Criminal Convictions*, April 7, 2008, <http://www.license.state.tx.us/crimconvict.htm>.