

1 AN ACT concerning incarcerated individuals with
2 intellectual or developmental disabilities.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Equitable Access to Education, Employment, and Training for
7 Incarcerated Individuals with Disabilities Act.

8 Section 5. Findings and purpose.

9 (a) Findings. The General Assembly finds that:

10 (1) Individuals with an intellectual disability or a
11 developmental disability face systemic barriers to
12 accessing educational programs, work assignments, and
13 vocational programs in correctional settings.

14 (2) Required standardized assessments, such as the
15 Test of Adult Basic Education, do not adequately
16 accommodate the unique cognitive and learning needs of
17 individuals with an intellectual disability or a
18 developmental disability.

19 (3) Exclusion from such programs undermines
20 rehabilitation efforts, increases recidivism rates, and
21 violates equity and inclusion principles.

22 (4) Tailored accommodations, including the Test of
23 Adult Basic Education waiver, are essential for compliance

1 with federal laws, such as the Americans with Disabilities
2 Act and the Rehabilitation Act of 1973.

3 (5) The requirement to meet the Test of Adult Basic
4 Education standards unfairly denies individuals who are
5 incarcerated and have an intellectual disability or a
6 developmental disability the opportunity to earn earned
7 sentence credit, also referred to as "ESC" or "good time
8 served", on the same terms as their peers, further
9 exacerbating inequities in rehabilitation outcomes.

10 (b) Purpose. The purpose of this Act is to mandate
11 equitable access to work, educational, or vocational
12 assignments for incarcerated individuals with an intellectual
13 disability or a developmental disability by:

14 (1) Establishing a waiver for the Test of Adult Basic
15 Education requirement, its successor, or any similar
16 examination used to measure academic achievement, to
17 ensure that incarcerated individuals with an intellectual
18 disability or developmental disability can qualify for
19 participation in educational and vocational programs
20 offering earned sentence credit.

21 (2) Ensuring that incarcerated individuals with an
22 intellectual disability or a developmental disability have
23 equal access to earned sentence credit opportunities
24 through participation in educational programs, work
25 assignments, and vocational programs.

1 Section 10. Definitions. In this Act:

2 "Department" means the Department of Corrections.

3 "Developmental disability" has the meaning ascribed to the
4 term in Section 1-106 of the Mental Health and Developmental
5 Disabilities Code.

6 "Intellectual disability" has the meaning ascribed to the
7 term in Section 1-116 of the Mental Health and Developmental
8 Disabilities Code.

9 Section 15. Reasonable accommodations; Test of Adult Basic
10 Education waiver.

11 (a) When an incarcerated individual discloses that the
12 incarcerated individual has an intellectual disability or a
13 developmental disability and provides documentation verifying
14 such disability, the incarcerated individual shall be eligible
15 for a waiver of any requirement to take or receive a passing
16 score on the Test of Adult Basic Education, or any successor
17 examination used to determine access to educational,
18 employment, or vocational programming.

19 (b) Documentation verifying an intellectual disability or
20 a developmental disability may include, but is not limited to:

21 (1) a prior Individualized Education Program (IEP);

22 (2) documentation of eligibility for developmental
23 disability services;

24 (3) a psychological or neuropsychological evaluation;

25 (4) documentation from the Department of Human

1 Services or a community provider; or

2 (5) if verifying documentation is unavailable, the
3 Department may use available records and assessments to
4 make a determination.

5 (c) In the absence of formal documentation, the Department
6 shall consider a waiver if credible evidence of disability
7 exists and shall help the individual to obtain documentation.

8 (d) The Department shall establish multiple pathways for
9 disclosure and collection of information verifying an
10 intellectual or a developmental disability including, but not
11 limited to:

12 (1) during intake and classification;

13 (2) during intake from a county jail or mental health
14 facility;

15 (3) during the process of receiving an individual who
16 is transferred from the Department of Juvenile Justice,
17 another State agency or a State-operated facility;

18 (4) at the time of requesting access to educational,
19 employment, or vocational programming; or

20 (5) during re-entry planning; and (6) during the
21 provision of mental health services to the individual.

22 (e) Upon disclosure, the Department shall provide written
23 and verbal notice to the individual explaining:

24 (1) the availability of a Test of Adult Basic
25 Education waiver;

26 (2) the verification process;

1 (3) the right to request assistance to obtain
2 verifying documentation; and

3 (4) the impact of a waiver on eligibility for
4 programming and earned sentence credit.

5 (f) The determination of a waiver request must be made
6 within 45 days after the request is submitted.

7 (g) Participation in these programs through the Test of
8 Adult Basic Education waiver and other reasonable
9 accommodations shall qualify individuals with an intellectual
10 disability or a developmental disability to earn earned
11 sentence credit, consistent with opportunities provided to
12 other incarcerated individuals.

13 Section 20. Informational materials.

14 (a) The Department shall develop, in collaboration with
15 the Illinois Council on Developmental Disabilities and other
16 disability organizations in Illinois, accessible informational
17 materials written in plain English, Spanish, and other
18 languages appropriate to reach the population of incarcerated
19 individuals explaining:

20 (1) the availability of accommodations and waivers
21 under this Act;

22 (2) how to disclose a disability;

23 (3) how to request help to obtain documentation to
24 verify a disability; and

25 (4) grievance rights if access is denied.

1 (b) Informational materials shall be provided at intake
2 and posted where other informational material is generally
3 posted or made available.

4 (c) Informational materials shall be available in
5 alternative formats upon request, including large print and
6 audio.

7 Section 25. Staff training and education.

8 (a) Department staff, including educational personnel, may
9 receive annual training on:

10 (1) providing accommodations and supports to an
11 individual with an intellectual disability or a
12 developmental disability in educational, employment, and
13 vocational settings; and

14 (2) administering appropriate alternative
15 assessments.

16 (b) To facilitate staff training and education the
17 Department shall develop:

18 (1) standardized disability disclosure procedures;

19 (2) verification and documentation review protocols;

20 (3) training modules for intake, educational, mental
21 health and re-entry staff; and

22 (4) data collection procedures to track waiver
23 requests, approvals, denials, and outcomes.

24 Section 30. Compliance and enforcement.

1 (a) The Department shall ensure compliance with federal
2 disability laws, including the Americans with Disabilities Act
3 and the Rehabilitation Act of 1973, through the implementation
4 of this Act.

5 (b) Individuals with an intellectual disability or a
6 developmental disability who are denied access to programs or
7 accommodations under this Act may file a grievance through the
8 Department's established grievance procedures.

9 (c) No later than March 31 of each year beginning on March
10 31, 2028, the Department shall report the following aggregate
11 data to the Governor and the General Assembly for the previous
12 fiscal year:

13 (1) the number of individuals identified through the
14 pathways in subsection (d) of Section 15;

15 (2) the number of waiver requests received;

16 (3) the number of waivers approved and denied;

17 (4) the number of individuals who disclose they have
18 an intellectual disability or a developmental disability
19 participating in educational, employment and vocational
20 programs;

21 (5) within programs that require the Test of Adult
22 Basic Education, the number of individuals who identified
23 with an intellectual disability or a developmental
24 disability who were allowed to participate through a
25 waiver; and

26 (6) the earned sentence credit outcomes for

1 individuals receiving waivers.

2 Section 35. Applicability. Nothing in this Act shall be
3 construed to apply to or affect adult education or any program
4 administered or approved by the Illinois Community College
5 Board within facilities of the Department of Corrections.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.