

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 of 1990 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 program
7 sentence credit, also referred to as "good time served",
8 on the same terms as their peers, further exacerbating
9 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 program sentence credit.

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

26 (3) Participation in programs remains subject to

1 facility availability, waitlists, security
2 classification, release timing, and other operational
3 placement criteria.

4 Section 10. Definitions. In this Act:

5 "Department" means the Department of Corrections.

6 "Developmental disability" has the meaning ascribed to the
7 term in Section 1-106 of the Mental Health and Developmental
8 Disabilities Code.

9 "Intellectual disability" has the meaning ascribed to the
10 term in Section 1-116 of the Mental Health and Developmental
11 Disabilities Code.

12 "Program" means behavioral modification, life skills,
13 reentry planning, Correctional Industries, substance use,
14 educational, career and technical education, self-improvement,
15 vocational, clinical service, approved volunteer activities,
16 or work assignments.

17 Section 15. Reasonable accommodations; Test of Adult Basic
18 Education waiver.

19 (a) When an incarcerated individual discloses that the
20 incarcerated individual has an intellectual disability or a
21 developmental disability and provides documentation verifying
22 such disability, the incarcerated individual shall be eligible
23 for a waiver of any requirement to take or receive a passing
24 score on the Test of Adult Basic Education, or any successor

1 examination used to determine access to educational,
2 employment, or vocational programs.

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

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

6 (2) documentation of eligibility for developmental
7 disability services;

8 (3) a psychological or neuropsychological evaluation;

9 or

10 (4) documentation from the Department of Human
11 Services or a community provider.

12 If verifying documentation is unavailable, the Department may
13 use available records to review submitted information.

14 (c) The incarcerated individual shall be responsible for
15 submitting documentation verifying an intellectual disability
16 or developmental disability. The Department shall provide
17 notice of acceptable forms of documentation and instructions
18 for submission.

19 (d) The Department shall establish multiple pathways for
20 disclosure and collection of information verifying an
21 intellectual disability or a developmental disability
22 including, but not limited to:

23 (1) during intake and classification;

24 (2) during intake from a county jail or mental health
25 facility;

26 (3) during the process of receiving an individual who

1 is transferred from the Department of Juvenile Justice,
2 another State agency or a State-operated facility;

3 (4) at the time of requesting access to educational,
4 employment, or vocational programs; or

5 (5) during re-entry planning.

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

8 (1) the availability of a Test of Adult Basic
9 Education waiver;

10 (2) the verification process; and

11 (3) the impact of a waiver on eligibility for programs
12 and earned program sentence credit.

13 (f) At the parent facility, the determination of a waiver
14 request must be made within 60 days after the request is
15 submitted.

16 (g) Participation in these programs through the Test of
17 Adult Basic Education waiver and other reasonable
18 accommodations shall qualify individuals with an intellectual
19 disability or a developmental disability to earn earned
20 program sentence credit, consistent with opportunities
21 provided to other incarcerated individuals.

22 Section 20. Informational materials.

23 (a) The Department shall develop, in collaboration with
24 the Illinois Council on Developmental Disabilities and other
25 disability organizations in Illinois, accessible informational

1 materials written in plain English, Spanish, and other
2 languages appropriate to reach the population of incarcerated
3 individuals explaining:

4 (1) the availability of accommodations and waivers
5 under this Act;

6 (2) how to disclose a disability;

7 (3) how to submit documentation to verify an
8 intellectual disability or developmental disability; and

9 (4) grievance rights if access is denied.

10 (b) Informational materials shall be made available to
11 incarcerated individuals through intake, program access,
12 re-entry planning, and other disclosure pathways established
13 under this Act.

14 (c) Informational materials shall be available in
15 alternative formats upon request, including large print and
16 audio.

17 Section 25. Staff training and education.

18 (a) Department staff, including educational personnel, may
19 receive annual training on providing accommodations and
20 supports and for administering optional vocational interest
21 and skills questionnaires used solely to support placement
22 into existing programs after waiver approval.

23 (b) To facilitate staff training and education the
24 Department shall develop:

25 (1) standardized disability disclosure procedures;

- 1 (2) verification and documentation review protocols;
- 2 (3) training modules for intake, educational, mental
- 3 health and re-entry staff; and
- 4 (4) data collection procedures to track waiver
- 5 requests, approvals, denials, and outcomes.

6 Section 30. Compliance and enforcement.

7 (a) The Department shall ensure compliance with federal

8 disability laws, including the Americans with Disabilities Act

9 of 1990 and the Rehabilitation Act of 1973, through the

10 implementation of this Act.

11 (b) Individuals with an intellectual disability or a

12 developmental disability who are denied access to programs or

13 accommodations under this Act may file a grievance through the

14 Department's established grievance procedures.

15 (c) No later than March 31 of each year beginning on March

16 31, 2028, the Department shall report the following aggregate

17 data to the Governor and the General Assembly for the previous

18 fiscal year:

19 (1) the number of individuals identified through the

20 pathways in subsection (d) of Section 15;

21 (2) the number of waiver requests received;

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

23 (4) the number of individuals with a documented

24 intellectual disability or developmental disability who

25 received a waiver and participated in programs;

1 (5) the number of individuals with a documented
2 intellectual disability or developmental disability who
3 received a waiver but did not participate in programs; and
4 (6) the earned program sentence credit outcomes for
5 individuals receiving waivers.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.