



Rep. Laura Faver Dias

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10400HB1810ham001

LRB104 08077 RLC 36193 a

1 AMENDMENT TO HOUSE BILL 1810

2 AMENDMENT NO. _____. Amend House Bill 1810 by replacing
3 everything after the enacting clause with the following:

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

7 Section 5. Findings and purpose.

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

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

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

1 developmental disability.

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

5 (4) Tailored accommodations, including the Test of
6 Adult Basic Education waiver, are essential for compliance
7 with federal laws, such as the Americans with Disabilities
8 Act and the Rehabilitation Act of 1973.

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

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

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

1 (2) Ensuring that incarcerated individuals with an
2 intellectual disability or a developmental disability have
3 equal access to earned sentence credit opportunities
4 through participation in educational programs, work
5 assignments, and vocational programs.

6 Section 10. Definitions. In this Act:

7 "Department" means the Department of Corrections.

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

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

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

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

24 (b) Documentation verifying an intellectual disability or

1 a developmental disability may include, but is not limited to:

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

3 (2) documentation of eligibility for developmental
4 disability services;

5 (3) a psychological or neuropsychological evaluation;

6 (4) documentation from the Department of Human
7 Services or a community provider; or

8 (5) if verifying documentation is unavailable, the
9 Department may use available records and assessments to
10 make a determination.

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

14 (d) The Department shall establish multiple pathways for
15 disclosure and collection of information verifying an
16 intellectual or a developmental disability including, but not
17 limited to:

18 (1) during intake and classification;

19 (2) during intake from a county jail or mental health
20 facility;

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

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

26 (5) during re-entry planning; and (6) during the

1 provision of mental health services to the individual.

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

4 (1) the availability of a Test of Adult Basic
5 Education waiver;

6 (2) the verification process;

7 (3) the right to request assistance to obtain
8 verifying documentation; and

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

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

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

19 Section 20. Informational materials.

20 (a) The Department shall develop, in collaboration with
21 the Illinois Council on Developmental Disabilities and other
22 disability organizations in Illinois, accessible informational
23 materials written in plain English, Spanish, and other
24 languages appropriate to reach the population of incarcerated
25 individuals explaining:

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

3 (2) how to disclose a disability;

4 (3) how to request help to obtain documentation to
5 verify a disability; and

6 (4) grievance rights if access is denied.

7 (b) Informational materials shall be provided at intake
8 and posted where other informational material is generally
9 posted or made available.

10 (c) Informational materials shall be available in
11 alternative formats upon request, including large print and
12 audio.

13 Section 25. Staff training and education.

14 (a) Department staff, including educational personnel, may
15 receive annual training on:

16 (1) providing accommodations and supports to an
17 individual with an intellectual disability or a
18 developmental disability in educational, employment, and
19 vocational settings; and

20 (2) administering appropriate alternative
21 assessments.

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

24 (1) standardized disability disclosure procedures;

25 (2) verification and documentation review protocols;

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

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

5 Section 30. Compliance and enforcement.

6 (a) The Department shall ensure compliance with federal
7 disability laws, including the Americans with Disabilities Act
8 and the Rehabilitation Act of 1973, through the implementation
9 of this Act.

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

14 (c) No later than March 31 of each year beginning on March
15 31, 2028, the Department shall report the following aggregate
16 data to the Governor and the General Assembly for the previous
17 fiscal year:

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

20 (2) the number of waiver requests received;

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

22 (4) the number of individuals who disclose they have
23 an intellectual disability or a developmental disability
24 participating in educational, employment and vocational
25 programs;

1 (5) within programs that require the Test of Adult
2 Basic Education, the number of individuals who identified
3 with an intellectual disability or a developmental
4 disability who were allowed to participate through a
5 waiver; and

6 (6) the earned sentence credit outcomes for
7 individuals receiving waivers.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".