



Sen. Adriane Johnson

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10400HB1810sam001

LRB104 08077 RLC 37924 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 of 1990 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 program
13 sentence credit, also referred to as "good time served",
14 on the same terms as their peers, further exacerbating
15 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 program sentence credit.

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

6 (3) Participation in programs remains subject to
7 facility availability, waitlists, security
8 classification, release timing, and other operational
9 placement criteria.

10 Section 10. Definitions. In this Act:

11 "Department" means the Department of Corrections.

12 "Developmental disability" has the meaning ascribed to the
13 term in Section 1-106 of the Mental Health and Developmental
14 Disabilities Code.

15 "Intellectual disability" has the meaning ascribed to the
16 term in Section 1-116 of the Mental Health and Developmental
17 Disabilities Code.

18 "Program" means behavioral modification, life skills,
19 reentry planning, Correctional Industries, substance use,
20 educational, career and technical education, self-improvement,
21 vocational, clinical service, approved volunteer activities,
22 or work assignments.

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

1 (a) When an incarcerated individual discloses that the
2 incarcerated individual has an intellectual disability or a
3 developmental disability and provides documentation verifying
4 such disability, the incarcerated individual shall be eligible
5 for a waiver of any requirement to take or receive a passing
6 score on the Test of Adult Basic Education, or any successor
7 examination used to determine access to educational,
8 employment, or vocational programs.

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

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

12 (2) documentation of eligibility for developmental
13 disability services;

14 (3) a psychological or neuropsychological evaluation;

15 or

16 (4) documentation from the Department of Human
17 Services or a community provider.

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

20 (c) The incarcerated individual shall be responsible for
21 submitting documentation verifying an intellectual disability
22 or developmental disability. The Department shall provide
23 notice of acceptable forms of documentation and instructions
24 for submission.

25 (d) The Department shall establish multiple pathways for
26 disclosure and collection of information verifying an

1 intellectual disability or a developmental disability
2 including, but not limited to:

3 (1) during intake and classification;

4 (2) during intake from a county jail or mental health
5 facility;

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

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

11 (5) during re-entry planning.

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

14 (1) the availability of a Test of Adult Basic
15 Education waiver;

16 (2) the verification process; and

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

19 (f) At the parent facility, the determination of a waiver
20 request must be made within 60 days after the request is
21 submitted.

22 (g) Participation in these programs through the Test of
23 Adult Basic Education waiver and other reasonable
24 accommodations shall qualify individuals with an intellectual
25 disability or a developmental disability to earn earned
26 program sentence credit, consistent with opportunities

1 provided to other incarcerated individuals.

2 Section 20. Informational materials.

3 (a) The Department shall develop, in collaboration with
4 the Illinois Council on Developmental Disabilities and other
5 disability organizations in Illinois, accessible informational
6 materials written in plain English, Spanish, and other
7 languages appropriate to reach the population of incarcerated
8 individuals explaining:

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

11 (2) how to disclose a disability;

12 (3) how to submit documentation to verify an
13 intellectual disability or developmental disability; and

14 (4) grievance rights if access is denied.

15 (b) Informational materials shall be made available to
16 incarcerated individuals through intake, program access,
17 re-entry planning, and other disclosure pathways established
18 under this Act.

19 (c) Informational materials shall be available in
20 alternative formats upon request, including large print and
21 audio.

22 Section 25. Staff training and education.

23 (a) Department staff, including educational personnel, may
24 receive annual training on providing accommodations and

1 supports and for administering optional vocational interest
2 and skills questionnaires used solely to support placement
3 into existing programs after waiver approval.

4 (b) To facilitate staff training and education the
5 Department shall develop:

- 6 (1) standardized disability disclosure procedures;
- 7 (2) verification and documentation review protocols;
- 8 (3) training modules for intake, educational, mental
9 health and re-entry staff; and
- 10 (4) data collection procedures to track waiver
11 requests, approvals, denials, and outcomes.

12 Section 30. Compliance and enforcement.

13 (a) The Department shall ensure compliance with federal
14 disability laws, including the Americans with Disabilities Act
15 of 1990 and the Rehabilitation Act of 1973, through the
16 implementation of this Act.

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

21 (c) No later than March 31 of each year beginning on March
22 31, 2028, the Department shall report the following aggregate
23 data to the Governor and the General Assembly for the previous
24 fiscal year:

- 25 (1) the number of individuals identified through the

1 pathways in subsection (d) of Section 15;

2 (2) the number of waiver requests received;

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

4 (4) the number of individuals with a documented
5 intellectual disability or developmental disability who
6 received a waiver and participated in programs;

7 (5) the number of individuals with a documented
8 intellectual disability or developmental disability who
9 received a waiver but did not participate in programs; and

10 (6) the earned program sentence credit outcomes for
11 individuals receiving waivers.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."