

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB1810**

Introduced 1/28/2025, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

New Act

Creates the Equitable Access to Education, Employment, and Training for Incarcerated Individuals with Disabilities Act. Provides that reasonable accommodations for incarcerated individuals with an intellectual disability or a developmental disability shall include a waiver of any requirement that the individual take the Test of Adult Basic Education and receive a passing score, or take and receive a passing score on any other examination or test that the Department may require to determine academic achievement or access to educational programs, work assignments, and vocational programs. Provides that participation in these programs through the Test of Adult Basic Education waiver and other reasonable accommodations shall qualify individuals with an intellectual disability or a developmental disability to earn earned sentence credit, consistent with opportunities provided to other incarcerated individuals. Provides that Department of Corrections staff, including educational personnel, shall receive annual training on: (1) identifying individuals who have an intellectual disability or a developmental disability; (2) providing accommodations and supports to an individual with an intellectual disability or a developmental disability in educational, employment, and vocational settings; and (3) administering appropriate alternative assessments. Provides that staff training programs shall be developed in collaboration with disability advocacy organizations and educational institutions. Provides that the Department shall ensure compliance with federal disability laws, including the Americans with Disabilities Act and Rehabilitation Act of 1973, through the implementation of the Act. Provides that individuals with an intellectual disability or a developmental disability who are denied access to programs or accommodations under the Act may file a grievance through the Department's established grievance procedures. Effective immediately.

LRB104 08077 RLC 18123 b

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 with
7 earned sentence credit, also referred to as "ESC" or "good
8 time 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.

26 Reasonable accommodations for incarcerated individuals

1 with an intellectual disability or a developmental disability
2 shall include a waiver of any requirement that they take and
3 receive a passing score on the Test of Adult Basic Education
4 have equal access to earned sentence credit opportunities
5 through participation in educational programs, work
6 assignments, and vocational programs.

7 Section 10. Definitions. In this Act:

8 "Department" means the Department of Corrections.

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

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

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

17 (a) Reasonable accommodations for incarcerated individuals
18 with an intellectual disability or a developmental disability
19 shall include a waiver of any requirement that the individual
20 take the Test of Adult Basic Education and receive a passing
21 score, or take and receive a passing score on any other
22 examination or test that the Department may require to
23 determine academic achievement or access to educational
24 programs, work assignments, and vocational programs.

1 (b) Participation in these programs through the Test of
2 Adult Basic Education waiver and other reasonable
3 accommodations shall qualify individuals with an intellectual
4 disability or a developmental disability to earn earned
5 sentence credit, consistent with opportunities provided to
6 other incarcerated individuals.

7 Section 20. Staff training and education.

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

10 (1) identifying individuals who have an intellectual
11 disability or a developmental disability;

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

16 (3) administering appropriate alternative
17 assessments.

18 (b) Staff training programs shall be developed in
19 collaboration with disability advocacy organizations and
20 educational institutions.

21 Section 25. Compliance and enforcement.

22 (a) The Department shall ensure compliance with federal
23 disability laws, including the Americans with Disabilities Act
24 and Rehabilitation Act of 1973, through the implementation of

1 this Act.

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

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