

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.