



Sen. Adriane Johnson

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LRB104 08076 RLC 23968 a

1 AMENDMENT TO SENATE BILL 1395

2 AMENDMENT NO. _____. Amend Senate Bill 1395 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) 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) Tailored accommodations, including the Test of
14 Adult Basic Education waiver, are essential for compliance
15 with federal laws, such as the Americans with Disabilities
16 Act and the Rehabilitation Act of 1973.

1 (b) The purpose of this Act is to mandate equitable access
2 to work assignments, as well as educational or vocational
3 programs for incarcerated individuals with an intellectual
4 disability or a developmental disability by:

5 (1) establishing a waiver for the Test of Adult Basic
6 Education requirement, its successor, or any similar
7 examination used to measure academic achievement, to
8 ensure that incarcerated individuals with an intellectual
9 disability or developmental disability can qualify for
10 participation in educational and vocational programs
11 offering earned sentence credit; and

12 (2) ensuring that incarcerated individuals with an
13 intellectual disability or a developmental disability have
14 equal access to earned sentence credit opportunities
15 through participation in educational programs, work
16 assignments, and vocational programs.

17 Reasonable accommodations for incarcerated individuals
18 with an intellectual disability or a developmental disability
19 shall include a waiver of any requirement that they take and
20 receive a passing score on the Test of Adult Basic Education
21 have equal access to earned sentence credit opportunities
22 through participation in educational programs, work
23 assignments, and vocational programs.

24 Section 10. Definitions. In this Act:

25 "Department" means the Department of Corrections.

1 "Developmental disability" has the meaning given in
2 Section 1-106 of the Mental Health and Developmental
3 Disabilities Code.

4 "Intellectual disability" has the meaning given in Section
5 1-116 of the Mental Health and Developmental Disabilities
6 Code.

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

9 (a) Reasonable accommodations for incarcerated individuals
10 with an intellectual disability or a developmental disability
11 to comply with the Americans with Disabilities Act and the
12 Rehabilitation Act of 1973 shall include a waiver of any
13 requirement that the individual take the Test of Adult Basic
14 Education and receive a passing score, or take and receive a
15 passing score on any other examination or test that the
16 Department may require to determine academic achievement or
17 access to educational programs, work assignments, and
18 vocational programs.

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

1 Section 20. Staff training and education.

2 (a) Department staff, including educational personnel,
3 shall receive annual training on:

4 (1) identifying individuals who have an intellectual
5 disability or a developmental disability;

6 (2) providing accommodations and supports to an
7 individual with an intellectual disability or a
8 developmental disability in educational, employment, and
9 vocational settings; and

10 (3) administering appropriate alternative
11 assessments.

12 (b) Staff training programs shall be developed in
13 collaboration with disability advocacy organizations and
14 educational institutions.

15 Section 25. Compliance and enforcement.

16 (a) The Department shall ensure compliance with federal
17 disability laws, including the Americans with Disabilities Act
18 and Rehabilitation Act of 1973, through the implementation of
19 this Act.

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

24 Section 99. Effective date. This Act takes effect January

1 1, 2026.".