



**COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF COUNCILMEMBER BROOKE PINTO, WARD 2  
MEMORANDUM**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

---

**TO:** Secretary Nyasha Smith   
**FROM:** Councilmember Brooke Pinto and Chairman Phil Mendelson   
**RE:** Request to Agendize Emergency Measures for the June 6, 2023, Legislative Meeting  
**DATE:** June 1, 2023

On behalf of the Mayor, we request that the following emergency measures be agendized for the June 6, 2023, Legislative Meeting:

- Special Education for Young Adults in the Custody of the Department of Corrections Emergency Declaration Resolution of 2023
- Special Education for Young Adults in the Custody of the Department of Corrections Emergency Amendment Act of 2023
- Special Education for Young Adults in the Custody of the Department of Corrections Temporary Amendment Act of 2023

The Executive has requested that the Council move emergency legislation to officially designate the Department of Corrections (“DOC”) as the District agency responsible for provision of a free appropriate public education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”) and District law to eligible individuals in DOC custody. Under IDEA and District law, certain students aged 18 years old are, through their eligibility for FAPE, entitled to receive special education and related services if they were previously identified as a student with a disability or received an individualized education program at the education institution they attended prior to their incarceration. As a result, DOC has in its custody a number of residents who are eligible for special education and other related services.

For school years 2021-2022 and 2022-2023, special education services for DOC residents were provided by Maya Angelou Public Charter School under a temporary charter authorization from the Public Charter School Board. That temporary charter authorization expires at the end of school year 2022-2023 and, on August 4, 2023, the District will be responsible for ensuring the delivery of special education and related services under IDEA for eligible individuals in DOC custody. Thus, it is necessary to explicitly designate a District agency responsible for ensuring the delivery of these special education and related services. On March 22, 2023, Mayor Bowser transmitted the Fiscal Year 2024 Local Budget Act of 2023 to the Council; the Mayor’s budget included funding for DOC to serve in this role for school year 2023-2024; on May 30, 2023, the Council approved the Fiscal Year 2024 Local Budget Act of 2023, including funding for DOC to take on this new role for the upcoming school year.

Of note, earlier this year, DOC issued a solicitation for the contract to provide special education services for school year 2023-2024; that contract should be awarded later this summer. It is critical, however, that DOC be designated as the agency responsible for FAPE under IDEA and District law prior to execution of that contract. Thus, it is critical that the Council advance

emergency legislation formalizing that designation as soon as possible, to ensure there is no disruption in the delivery of special education services at DOC facilities.

Drafts of the emergency measures are attached. If you have any questions, please contact Michael Porcello, Committee Director of the Committee on the Judiciary and Public Safety, at 724-7808 or mporcello@dccouncil.gov.

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor's Office of Policy and Legislative Affairs