

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend An Act To create a Department of Corrections in the District of Columbia to designate the Department of Corrections as the District agency to provide a free appropriate public education under the Individuals with Disabilities Education Act and District law to certain individuals in its custody and detained in its secure facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Special Education for Young Adults in the Custody of the Department of Corrections Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There is an immediate need to designate the Department of Corrections as the District agency to provide a free appropriate public education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”) and District law to certain individuals in its custody and detained in its secure facilities.

(b) Under IDEA and District law, students aged 18 years old through their eligibility for FAPE under the IDEA and District law who are incarcerated in an adult correctional facility are entitled to receive a free appropriate public education through the delivery of special education and related services if they were identified as a student with a disability or had an individualized education program in the education institution immediately before their current incarceration.

34 (c) The Department of Corrections has in its custody individuals ages 18 years old
35 through their eligibility for FAPE under the IDEA and District law who are eligible for
36 special education and related services under IDEA.

37 (d) For school year 2021-2022 and schools year 2022-2023, special education
38 services for individuals in the custody of the Department of Corrections have been
39 provided by Maya Angelou Public Charter School under a temporary charter
40 authorization from the Public Charter School Board. The temporary charter authorization
41 expires at the end of school year 2022-2023.

42 (e) After the expiration of the temporary charter authorization, on August 4, 2023,
43 the District will be responsible for ensuring the delivery of special education and related
44 services under IDEA for eligible individuals in the custody of the Department of
45 Corrections.

46 (f) Therefore, it is necessary to designate a District agency that will be responsible
47 for ensuring the delivery of these special education and related services.

48 (g) It is critical to make the designation immediately so that there is no disruption
49 in the delivery of required special education and related services under IDEA for eligible
50 individuals in the custody of the Department of Corrections.

51 Sec. 3. The Council of the District of Columbia determines that the circumstances
52 enumerated in section 2 constitute emergency circumstances making it necessary that the
53 Special Education for Young Adults in the Custody of the Department of Corrections
54 Emergency Act of 2023 be adopted after a single reading.

55 Sec. 4. This resolution shall take effect immediately.