

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 and the Corrections Oversight Improvement Omnibus Amendment Act of 2022 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 2024”.

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

(b) Under the IDEA and District law, individuals aged 18 years old through the end of their eligibility for FAPE under the IDEA and District law (hereinafter “eligible individuals”) 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 previously identified or found eligible as a student with a disability

33 or had an individualized education program. DOC ~~(e) The Department of Corrections~~  
34 has eligible individuals in its custody.

35 (cd) For school year 2021-2022 and schools year 2022-2023, special education  
36 services for eligible individuals in DOC’s custody were provided by Maya Angelou  
37 Public Charter Schools under a temporary charter authorization from the Public Charter  
38 School Board. The temporary charter authorization expired at the end of school year  
39 2022-2023.

40 (de) In order to ensure the continuation of appropriate special education services  
41 at DOC in school year 2023-2024, the Council passed emergency and temporary  
42 legislation in June 2023 to designate DOC as the District agency responsible for  
43 providing a FAPE to eligible individuals in DOC’s custody, with the understanding that  
44 DOC would contract with Maya Angelou Public Charter Schools to provide the services.

45 (ef) Permanent versions of the Special Education for Young Adults in the Custody  
46 of the Department of Corrections Amendment Act, [as introduced on June 1, 2023](#) (Bill  
47 25-309), as well as the Leading Education Access for Reentry and Necessary Success  
48 Amendment Act, [as introduced on September 18, 2024](#) (Bill 25-461)—both of which  
49 would resolve the issue this legislation is aimed at—are currently pending Council  
50 review, and a public hearing on the bills was held in January 2024. However, the  
51 temporary legislation adopted by the Council expires on May 17, [2024](#), prior to the end  
52 of school year 2023-2024.

53 (fg) Therefore, emergency legislation is necessary to extend the designation of  
54 DOC as the as the District agency responsible for providing a FAPE to eligible  
55 individuals in DOC’s custody during school year 2023-2024, to ensure that DOC can

56 continue its contract with Maya Angelou Public Charter Schools for the remainder of the  
57 school year.

58 (gh) It is critical to pass this legislation immediately so that there is no disruption  
59 in the delivery of required special education and related services under IDEA for eligible  
60 individuals in the custody of the Department of Corrections.

61 Sec. 3. The Council of the District of Columbia determines that the circumstances  
62 enumerated in section 2 constitute emergency circumstances making it necessary that the  
63 Special Education for Young Adults in the Custody of the Department of Corrections  
64 Emergency [Amendment](#) Act of 2024 be adopted after a single reading.

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