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Councilmember Brooke Pinto

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 2025”.

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

34 services if they were previously identified or found eligible as a student with a disability
35 or had an individualized education program. DOC has eligible individuals in its custody.

36 (c) For school year 2021-2022 and schools year 2022-2023, special education
37 services for eligible individuals in DOC’s custody were provided by Maya Angelou
38 Public Charter Schools under a temporary charter authorization from the Public Charter
39 School Board. The temporary charter authorization expired at the end of school year
40 2022-2023.

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

46 (e) Permanent versions of the Special Education for Young Adults in the Custody
47 of the Department of Corrections Amendment Act, as introduced on June 1, 2023 (Bill
48 25-309), as well as the Leading Education Access for Reentry and Necessary Success
49 Amendment Act, as introduced on September 18, 2024 (Bill 25-461)—both of which
50 would resolve the issue this legislation is aimed at—are currently pending Council
51 review, and a public hearing on the bills was held in January 2024. However, the
52 agencies at play are still in discussions about the permanent home for this responsibility.

53 (f) Moreover, the temporary legislation adopted by the Council expires on April
54 12, 2025, prior to the end of school year 2024-2025.

55 (g) Therefore, emergency legislation is necessary to extend the designation of
56 DOC as the as the District agency responsible for providing a FAPE to eligible

57 individuals in DOC's custody during school year 2024-2025, to ensure that DOC can
58 continue its contract with Maya Angelou Public Charter Schools for the remainder of the
59 school year.

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

63 Sec. 3. The Council of the District of Columbia determines that the circumstances
64 enumerated in section 2 constitute emergency circumstances making it necessary that the
65 Special Education for Young Adults in the Custody of the Department of Corrections
66 Emergency Amendment Act of 2025 be adopted after a single reading.

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