

A RESOLUTION

25-483

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 2, 2024

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 (“DOC”) 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 or had an individualized education program. DOC has eligible individuals in its custody.

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

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

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

(f) Therefore, emergency legislation is necessary to extend the designation of DOC as the as the District agency responsible for providing a FAPE to eligible individuals in DOC’s custody during school year 2023-2024 and to ensure that DOC can continue its contract with Maya Angelou Public Charter Schools for the remainder of the school year.

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

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Special Education for Young Adults in the Custody of the Department of Corrections Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.