

105TH CONGRESS
1ST SESSION

S. 702

To amend the Individuals with Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1997

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Individuals with Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLARIFICATION ON THE PROVISION OF SPE-**
 2 **CIAL EDUCATION AND RELATED SERVICES**
 3 **TO CHILDREN WITH DISABILITIES WHO ARE**
 4 **CONVICTED OF FELONIES.**

5 Section 612(1) of the Individuals with Disabilities
 6 Education Act (20 U.S.C. 1412(1)) is amended by adding
 7 at end the following: “The State is not required under the
 8 policy to assure a free appropriate public education to a
 9 person with a disability who is convicted of a felony and
 10 as a result of such a conviction, is incarcerated in a secure
 11 correctional facility. ”.

12 (b) DEFINITIONS.—Section 602(a) of the Individuals
 13 with Disabilities Education Act (20 U.S.C. 1401(a)) is
 14 amended by adding at the end the following:

15 “(28) The term “secure correctional facility”
 16 means any public or private residential facility
 17 that—

18 “(A) includes construction fixtures de-
 19 signed to physically restrict the movements and
 20 activities of individuals held in lawful custody in
 21 such facility; and

22 “(B) is used for the placement, after adju-
 23 dication and disposition, of an individual con-
 24 victed of a criminal offense.”.