

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER W-155-97**

**WHEREAS**, Congress has enacted and the President has signed into law the "Individuals with Disabilities Education Act Amendments of 1997 (hereafter referred to as the "Act") which reauthorizes federal special education programs; and

**WHEREAS**, the Act grants governors the authority to designate a state agency other than the state educational agency as responsible for meeting federal special education requirements for adult inmates; and

**WHEREAS**, the Act establishes a penalty for the designated state agency's noncompliance with the adult inmate requirements proportionate to the percentage that eligible adult inmates represent of the total special education population if a governor has designated a state agency other than the state educational agency to comply with special education requirements for adult inmates; and

**WHEREAS**, the California State Legislature, the President of the State Board of Education numerous parents of children in special education, school officials, prison wardens, and others have expressed their opposition to the federal requirement that would force California to divert millions in tax dollars that could otherwise be spent on important programs for law abiding children in order to provide special education to adult felons.

**NOW, THEREFORE, I, PETE WILSON**, Governor of the State of California, by the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this executive order to become effective immediately:

1. As authorized under Section 612(a)(1)(C) of the Act, the Department of Corrections (hereafter referred to as the "Department") is designated as the single state agency with the responsibility under the Act with respect to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons.
2. The Department is directed to seek a full exemption in Congress from the requirement under the Act to provide special education services to adult felons.
3. The Department is further directed to notify the U.S. Secretary of Education of the designation made under paragraph 1, and to request the Secretary to delay any federal compliance hearings or actions pending the final outcome of California's efforts under Paragraph 2.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 5th day of June 1997.

Governor of California

**ATTEST:**

Secretary of State