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**NEURODEVELOPMENTAL DISABILITY ACCESS AND JUVENILE JUSTICE
SAFEGUARDS ACT
PROPOSED FEDERAL LEGISLATION**

Discussion Draft — September 18, 2026

A BILL

To amend the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act, and the Juvenile Justice and Delinquency Prevention Act of 1974 to address access to disability-related clinical services, prevent discriminatory educational exclusion, establish safeguards concerning school-based juvenile justice referrals, and provide for accountability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Neurodevelopmental Disability Access and Juvenile Justice Safeguards Act.”

SEC. 2. PURPOSES.

The purposes of this Act are—

- (a) To ensure that children with disabilities receive individualized consideration of clinically documented needs in public educational settings;
- (b) To prevent the use of categorical school policies to deny necessary disability-related accommodations;
- (c) To establish procedures addressing documented disability-related behavioral manifestations;
- (d) To prevent the circumvention of applicable disability protections through discriminatory disciplinary practices or school-based law enforcement referrals;
- (e) To provide for the safety and rights of children with disabilities, other students, school personnel, and other individuals; and
- (f) To establish accountability for violations of the requirements created by this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) COVERED CHILD. The term “covered child” means an individual under eighteen years of age who is a qualified individual with a disability under the Americans with Disabilities Act or a child with a disability under the Individuals with Disabilities Education Act, as applicable to the provision concerned.

(2) QUALIFIED CLINICAL PROVIDER. The term means an appropriately licensed or certified healthcare or behavioral-health professional acting within the professional’s lawful scope of practice, including, where appropriate, a board-certified behavior analyst or a registered behavior technician practicing under required supervision.

(3) DOCUMENTED DISABILITY-RELATED BEHAVIOR. The term means behavior that an individualized clinical or educational assessment establishes is caused by, substantially related to, or materially affected by a qualifying disability.

Such behavior may include physical aggression, self-injury, elopement, or other clinically significant behavioral manifestations.

The existence of a diagnosis or a prior behavioral history alone shall not establish that any particular act constitutes documented disability-related behavior.

(4) ESTABLISHED THERAPEUTIC RELATIONSHIP. The term means an ongoing professional relationship between a covered child and a qualified clinical provider that is documented as materially relevant to the child’s communication, behavioral regulation, treatment, or ability to access education.

(5) COVERED EDUCATIONAL ENTITY. The term means a public elementary or secondary



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educational agency or institution subject to Title II of the Americans with Disabilities Act.

TITLE I — ACCESS TO CLINICALLY NECESSARY SERVICES

SEC. 101. INDIVIDUALIZED CONSIDERATION OF OUTSIDE-PROVIDER ACCESS.

(a) A covered educational entity shall conduct an individualized assessment of a parent or guardian's request for a qualified clinical provider to furnish disability-related services, evaluation, observation, or transitional assistance on school premises.

(b) The assessment shall consider—

- (1) The child's documented medical and behavioral needs;
- (2) The clinical necessity of the requested service;
- (3) The significance of an established therapeutic relationship;
- (4) The child's ability to access education without the requested assistance;
- (5) Whether the entity can provide an effective alternative accommodation; and
- (6) Any objectively established health, safety, or operational concerns.

(c) A covered educational entity shall not deny a request solely because the requested provider is not employed by or contracted with the entity.

(d) A covered educational entity may establish reasonable requirements concerning professional qualifications, background screening, confidentiality, supervision, insurance, and coordination with school personnel.

(e) Nothing in this section shall require a modification that the entity demonstrates would fundamentally alter its program, impose an undue financial or administrative burden under applicable law, or create a direct threat that cannot be sufficiently mitigated through reasonable modifications.

SEC. 102. WRITTEN DETERMINATIONS AND EXPEDITED REVIEW.

(a) A covered educational entity shall issue a written determination within ten school days after receiving a substantially complete request under section 101.

(b) When credible documentation establishes that the child cannot safely or meaningfully access education without prompt consideration of the requested accommodation, the entity shall make a preliminary determination within three school days.

(c) A denial shall identify—

- (1) The specific grounds for denial;
- (2) The clinical and educational evidence considered;
- (3) The alternative accommodations evaluated; and
- (4) The procedures available for administrative review.

(d) A parent or guardian may request expedited review of a denial involving an imminent loss of educational access.

TITLE II — PROTECTIONS AGAINST DISABILITY-RELATED EDUCATIONAL EXCLUSION

SEC. 201. INDIVIDUALIZED BEHAVIORAL RESPONSE REQUIREMENTS.

(a) When a covered educational entity has actual notice of a child's documented disability-related behavioral needs, it shall consider such needs in determining appropriate behavioral supports and disciplinary responses.

(b) When behavior may result in a disciplinary change of placement, the entity shall comply with all applicable requirements of the Individuals with Disabilities Education Act, including manifestation determination requirements.

(c) The entity shall consider relevant assessments and documentation submitted by qualified clinical providers, including information concerning—

- (1) Known behavioral triggers;
- (2) Communication limitations;



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- (3) Established de-escalation procedures;
- (4) The child's individualized behavioral intervention plan; and
- (5) The relationship between the alleged conduct and the child's disability.
- (d) A documented history of physical aggression shall not, standing alone, constitute sufficient grounds for determining that a child presents a direct threat or is categorically ineligible for attendance in a public educational program.

SEC. 202. CONTINUITY OF EDUCATIONAL SERVICES.

- (a) A covered educational entity shall not use a disability-related behavioral incident to deny educational services otherwise required by federal law.
- (b) Where a temporary change in placement is authorized under applicable law, the entity shall provide educational services and behavioral supports required by the Individuals with Disabilities Education Act.
- (c) The entity shall establish a documented plan addressing the child's continued access to education and, where appropriate, transition to an educational placement consistent with applicable law.
- (d) Nothing in this section shall prohibit an otherwise lawful emergency intervention or an authorized interim alternative educational placement.

TITLE III — SAFEGUARDS CONCERNING SCHOOL-BASED CRIMINAL JUSTICE REFERRALS

SEC. 301. DISABILITY-RELATED RESPONSE PROCEDURES.

- (a) A covered educational entity that has actual notice of a child's documented disability-related behavioral needs shall maintain procedures for responding to foreseeable behavioral incidents.
- (b) Such procedures shall address, as appropriate—
 - (1) Reasonable modifications necessary to afford the child access to education;
 - (2) Access to qualified behavioral-health assistance;
 - (3) Individualized de-escalation procedures;
 - (4) Notification of the child's parent or guardian;
 - (5) Emergency responses to immediate threats of serious physical harm; and
 - (6) Documentation of interventions undertaken.
- (c) Nothing in this section shall require personnel to delay an emergency response necessary to protect any individual from imminent serious physical harm.

SEC. 302. PROHIBITION AGAINST DISCRIMINATORY LAW ENFORCEMENT REFERRALS.

- (a) A covered educational entity shall not refer a child to law enforcement solely because of the child's disability, need for accommodations, or behavior that the entity would otherwise address through educational or behavioral interventions.
- (b) A covered educational entity shall not use a law enforcement referral for the purpose of circumventing its obligations under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Individuals with Disabilities Education Act.
- (c) Before making a nonemergency law enforcement referral involving potentially disability-related conduct, the entity shall, to the extent practicable—
 - (1) Consider relevant clinical and educational documentation;
 - (2) Consider whether legally required accommodations and behavioral supports were provided;
 - (3) Document the circumstances warranting the referral; and
 - (4) Notify the child's parent or guardian, except where prohibited by law or necessary to address an immediate safety concern.
- (d) Nothing in this section shall prohibit the reporting of suspected criminal conduct, restrict an appropriate emergency response, or prevent state law enforcement and judicial authorities from exercising lawful jurisdiction.



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(e) A violation of this section by a covered educational entity shall not, standing alone, require dismissal of a criminal charge or invalidate an otherwise lawful arrest.

SEC. 303. DISABILITY-RELATED DOCUMENTATION.

(a) When a school-based law enforcement referral concerns a covered child whose relevant disability-related needs are known to the educational entity, the entity shall maintain an accurate record of the incident and the accommodations and behavioral interventions considered or provided.

(b) Upon an authorized request, relevant records shall be made available to the child's parent or guardian and, subject to applicable privacy laws, the child's legal representative.

(c) Disclosure to law enforcement shall comply with the Family Educational Rights and Privacy Act and other applicable federal law.

TITLE IV — JUVENILE JUSTICE AND CAREGIVER RELEASE SAFEGUARDS

SEC. 401. DISABILITY-RELATED JUVENILE DETENTION STANDARDS.

(a) The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention, shall develop model standards addressing the detention of juveniles with documented disabilities.

(b) Such standards shall address—

- (1) Timely notification of parents or guardians;
- (2) Individualized consideration of disability-related communication and behavioral needs;
- (3) The availability of release to a parent, guardian, or other appropriate caregiver;
- (4) Access to necessary medical and behavioral-health services;
- (5) Consideration of less restrictive alternatives to detention; and
- (6) Procedures addressing immediate threats of serious physical harm.

(c) The standards shall distinguish between disability-related behavioral manifestations, the legal elements of an alleged offense, and individualized public safety considerations.

SEC. 402. STATE IMPLEMENTATION THROUGH FEDERAL JUVENILE JUSTICE PROGRAMS.

(a) The Attorney General shall submit to Congress proposed amendments to the Juvenile Justice and Delinquency Prevention Act establishing disability-related standards for participating states.

(b) The submission shall address—

- (1) Individualized assessment before specified detention decisions;
- (2) Consideration of release to an appropriate caregiver;
- (3) Access to qualified clinical consultation;
- (4) Reasonable modifications in juvenile justice facilities; and
- (5) Administrative monitoring and enforcement.

(c) The Attorney General shall identify the constitutional authority and fiscal implications associated with each proposed requirement.

(d) Nothing in this title shall establish exclusive federal criminal jurisdiction, require a state to transfer a juvenile proceeding to federal court, or independently prescribe a sentence for an offense under state law.

TITLE V — ACCOUNTABILITY AND REMEDIES

SEC. 501. ENFORCEMENT OF EDUCATIONAL ACCESS REQUIREMENTS.

(a) A violation of Title I or Title II that constitutes discrimination prohibited by Title II of the Americans with Disabilities Act shall be subject to the applicable enforcement procedures and remedies provided by that Act.

(b) Nothing in this Act shall diminish an individual's rights or remedies under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or other applicable federal law.

(c) A parent or guardian may submit a complaint alleging a violation of the requirements established by this Act to the federal agency possessing applicable enforcement authority.



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(d) The Attorney General and Secretary of Education shall jointly establish procedures for coordinating investigations concerning overlapping disability-discrimination and educational-access claims.

SEC. 502. DOCUMENTED WARNINGS AND PREVENTABLE HARM.

(a) In determining whether a covered educational entity violated a duty established by this Act, a court or authorized administrative body may consider relevant evidence concerning—

- (1) The entity's actual knowledge of a child's disability-related needs;
- (2) Written warnings provided by qualified clinical professionals;
- (3) The entity's response to those warnings;
- (4) Accommodations requested, considered, offered, or denied; and
- (5) The relationship between the entity's conduct and the alleged violation.

(b) Evidence of a foreseeable behavioral incident shall not, by itself, establish that the educational entity is legally responsible for the incident or for independent decisions made by law enforcement or judicial authorities.

(c) Nothing in this section shall eliminate otherwise applicable requirements concerning causation, intent, available remedies, or governmental immunity.

SEC. 503. RIGHTS OF OTHER PERSONS.

(a) Nothing in this Act shall diminish the rights or remedies otherwise available to a student, employee, or other individual who experiences injury arising from a school-based behavioral incident.

(b) Nothing in this Act shall establish liability solely on the basis that a child has a disability or a documented history of physical aggression.

(c) The Attorney General shall submit to Congress an analysis of whether additional statutory remedies are warranted for persons injured in incidents involving a covered educational entity's violation of a federally established accommodation duty.

TITLE VI — IMPLEMENTATION AND OVERSIGHT

SEC. 601. IMPLEMENTING REGULATIONS.

Within eighteen months after enactment, the Attorney General and Secretary of Education shall promulgate regulations, within their respective statutory authority, implementing Titles I through III and V.

SEC. 602. GUIDANCE AND TECHNICAL ASSISTANCE.

The Secretary of Education shall develop guidance addressing—

- (a) Individualized outside-provider access;
- (b) Coordination between school personnel and qualified clinical providers;
- (c) Documentation of disability-related behavioral needs;
- (d) Educational continuity following disciplinary incidents;
- (e) Confidentiality and student records; and
- (f) School-based law enforcement referral procedures.

SEC. 603. CONGRESSIONAL REPORT.

Within two years after enactment, the Attorney General and Secretary of Education shall jointly submit a report to Congress addressing implementation, complaints, enforcement actions, fiscal effects, and additional legislative questions.

SEC. 604. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to—

- (a) Establish a categorical exemption from criminal responsibility based on disability;
- (b) Prohibit an otherwise lawful intervention necessary to prevent imminent serious physical harm;
- (c) Create exclusive federal jurisdiction over an offense under state law;
- (d) Eliminate the rights of victims or other affected individuals; or
- (e) Diminish protections otherwise provided under federal or state law.

SEC. 605. EFFECTIVE DATE.



This Act shall take effect eighteen months after enactment, except that provisions concerning rulemaking and preparation of reports shall take effect upon enactment.

SUBMITTED BY:

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