Massachusetts Department of Correction **POLICY**	Effective Date 1/1/2025 Annual Review Date 9/17/2026	Responsible Division Deputy Commissioner, Clinical Services and Reentry
Policy Name 103 DOC 408 REASONABLE ACCOMMODATIONS	M.G.L. Reference: M.G.L. c. 19C; M.G.L. c. 22, §13A; M.G.L. c. 124, §§1 (c) and (q); 42 U.S.C. §12101 et seq.; 28 C.F.R. §§ 35.130(h), 35.139(a)-(b), 35.150(a)(3)	
	DOC Policy Reference: 103 DOC 450; 103 DOC 473; 103 CMR 491; 103 DOC 630	
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Attachments Yes ☒ No ☐ Library Yes ☒ No ☐	Applicability: Staff, Incarcerated Individuals, and Civil Commitments	
Public Access Yes ☒ No ☐	Location: Department's Central policy file; Each Institution's policy file; In order to provide Effective Communication, policies may be available in other formats upon request and verification of the need for a Reasonable Accommodation.	

PURPOSE:

103 DOC 408 is intended to address Department of Correction (Department) incarcerated individual and civil commitment requests and/or needs for a Reasonable Accommodation which may fall under the Americans with Disabilities Act (ADA) or other provisions of local, state and federal law.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

Deputy Commissioner, Clinical Services & Reentry
Assistant Deputy Commissioner, Clinical Services
Department ADA Coordinator
Director of Resource Management
Superintendents
Institution ADA Coordinators

CANCELLATION:

103 DOC 408 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, or regulations which are inconsistent with this policy.

SEVERABILITY CLAUSE:

If any part of 103 DOC 408 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

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408.01 DEPARTMENT POLICY

A. It is the Department's policy not to discriminate against any person protected by the Americans with Disabilities Act (ADA). The Department shall ensure that its programs, activities, and services, when viewed in their entirety, are readily accessible to, and usable by, incarcerated individuals and civil commitments with a Disability.

B. The Department shall provide incarcerated individuals and civil commitments access to trained, qualified individual(s) who are educated in the problems and challenges faced by incarcerated individuals and civil commitments with physical and/or mental impairments. These individuals shall be knowledgeable in programs designed to educate and assist incarcerated individuals and civil commitments with a disability, as well as in all the legal requirements for the protection of incarcerated individuals and civil commitments with a Disability.

C. The Department shall make its programs, services, and activities, accessible to all incarcerated individuals and civil commitments with a Disability. Consistent with 28 C.F.R. §§ 35.130(h), 35.139(a)-(b), 35.150(a)(3), the Department need not provide accommodation in the following circumstances:

1. If the accommodation will result in a fundamental alteration in the nature of a program, activity, or service, or in undue financial or administrative burdens. The decision that an accommodation would result in a fundamental alteration or in undue financial or administrative burden must be made by the Commissioner or designee, after considering all resources currently available for use in the funding and operation of Department programs and services, and must be accompanied by a written statement of reasons documenting that conclusion, in accordance with 28 C.F.R. §§ 35.150(a)(3) and 35.164;

2. If the accommodation will result in actual risks or impairment of the safe operation of a Department program, activity, or service, in accordance with 28 C.F.R. § 35.130(h);

3. If the incarcerated individual or civil commitment seeking to participate in or benefit from the Department program, activity, or service poses a Direct Threat to the health or safety of the incarcerated individual, civil commitment, or others. To determine whether an incarcerated individual or civil commitment poses a Direct Threat, the Department must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to

ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of Auxiliary Aids or Services will mitigate the risk, in accordance with 28 C.F.R § 35.139 (b).

408.02 DEFINITIONS

Americans with Disabilities Act (ADA): A federal law that prohibits discrimination based on disability, as set forth in 42 U.S.C. §12101 *et seq.*

ADA Record: File folder containing incarcerated individual and civil commitment ADA-related documents that shall follow the incarcerated individual or civil commitment if they transfer to another Department institution.

Auxiliary Aids and Services: Appropriate specialized equipment and/or services designed to facilitate Effective Communication and assist in providing and incarcerated individual or civil commitment with a Disability, access to programs, services, activities and/or benefits within the Department. (Examples of Auxiliary Aids and Services include, but are not limited to qualified interpreters, note-takers, large-print written materials, telecommunication devices, assistive listening devices and open/closed captioning, wheelchairs, canes.)

Blind: Refers to an incarcerated individual or civil commitment whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter is 20 degrees or less.

CapTel Telephones: A specialized telephone that permits verbal communication in the same manner as a traditional telephone and automatically connects to a captioning service that transcribes the content of the conversation, which provides captions on the device's built-in screen.

Civil Commitment: For purposes of this policy, the term Civil Commitment shall mean any person admitted for evaluation or civil commitment to the Bridgewater State Hospital, any Massachusetts Treatment Center resident pursuant to M.G.L c. 123A as a Sexually Dangerous Person who is not serving a criminal sentence, and any person civilly committed to the Massachusetts Alcohol and Substance Abuse Center or MCI-Framingham.

Deaf: Denotes individuals who cannot hear or who, as a result of hearing loss, are impaired in processing linguistic information through hearing, with or without amplification.

Department ADA Coordinator: The individual designated by the Assistant Deputy Commissioner of Clinical Services who is responsible for coordinating the

Department's compliance with the ADA as it relates to incarcerated individuals and civil commitments and the provisions of 103 DOC 408.

Direct Threat: A significant risk to the health or safety of the Deaf or Hard-of-Hearing incarcerated individuals, civil commitments, or others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of Auxiliary Aids and Services as provided in 28 C.F.R. § 35.139.

Disability Accommodation Resources Assessment: An assessment by the Institution ADA Coordinator and/or the Department's ADA Coordinator of the incarcerated individual's or civil commitment's hearing related or sight related needs so that they may effectively communicate and have effective, meaningful, and substantially equal access to Department programs, services, and activities.

Effective Communication: Communication that is as clear and understandable to persons with disabilities as it is for persons who do not have disabilities. Effective Communication affords incarcerated individuals and civil commitments with Disabilities an opportunity to participate in and enjoy the benefits of the Department's services, programs, and activities in a manner that is substantially equal to the opportunity provided to similarly situated incarcerated individuals or civil commitments who do not have disabilities.

Hard-of-Hearing: An incarcerated individual or civil commitment who has some degree of hearing loss ranging from mild to profound.

Incarcerated Individual: A committed offender or such other person as is placed in custody in a correctional institution in accordance with law.

Incarcerated Individual or Civil Commitment with a Disability: An incarcerated individual or civil commitment who has physical or mental impairment that substantially limits one (1) or more major life activities; or who has a record or history of such impairment; or is perceived or regarded as having such impairment.

Institution ADA Coordinator: The individual designated by the Superintendent responsible for ensuring institution compliance with the ADA as it applies to incarcerated individuals and civil commitments, and 103 DOC 408.

Late Deafened: An incarcerated individual or civil commitment who has a severe to profound hearing loss, which occurred after the individual's development of speech and language.

Major Life Activities: In general, activities that include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, standing, bending, communicating, learning, and working. Major life activities also include the operation of a major bodily function, including but

not limited to, functions of the immune system, organs, skin, normal cell growth, digestive system, bowel and bladder.

Massachusetts Commission for the Deaf and Hard-of-Hearing (MCDHH): MCDHH is the principal agency in the Commonwealth working on behalf of people of all ages who are Deaf and Hard-of-Hearing.

Psychologically Disabled: An incarcerated individual or civil commitment who has a record of, or is regarded as having, one (1) or more mental disorders, as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

Physically Disabled or a Person with a Physical Disability: A term that refers to an incarcerated individual or civil commitment who has a chronic physical infirmity or impairment, whether congenital or resulting from bodily injury, organic processes, or changes from illness, including but not limited to, epilepsy, blindness, deafness or hearing impairment, or reliance on a wheelchair or other remedial appliance or device.

Qualified Sign Language Interpreter: A sign language interpreter certified by the National Registry of Interpreters for the Deaf or approved by the Massachusetts Commission for the Deaf and Hard-of-Hearing who can interpret effectively, accurately, and impartially, both receptively and expressively, using American Sign Language (ASL).

Reasonable Accommodation: Any modification or adjustment to a program, activity or service that enables an incarcerated individual or civil commitment with a Disability to participate in the program, activity or service, but which modification or adjustment does not cause an actual risk or impairment of the safe operation of the institution, fundamentally alter the nature of the program, activity or service, present an undue financial or administrative burden, or pose a Direct Threat to the health and safety of the incarcerated individual, civil commitment, or others.

Substantial Limitation: An impairment that significantly restricts an incarcerated individual's or civil commitment's ability to perform a Major Life Activity.

Telephone with Amplified Volume Control: A telephone with a built-in volume button that allows the user to amplify the call volume.

Teletypewriter (TTY) Device: A device which allows text communication over a telephone line designed for use by persons with a hearing disability.

Videophone: A telecommunication device with a camera and a screen that allows for visual, real-time communication.

Video Remote Interpreting (VRI): Video remote interpreting (VRI) is a form of sign language interpreting that allows individuals who are Deaf or Hard-of-Hearing to communicate with a hearing person at the same site via videoconferencing instead of live, on-site interpreting.

Video Relay Service (VRS): A video telecommunication service that allows persons who are Deaf or Hard-of-Hearing to communicate over video telephones and similar technologies with hearing persons in real time, via a sign language interpreter.

408.03 SELF-EVALUATION AND COMPLIANCE PLAN

A. Each Superintendent's objective shall be to provide an environment in their institution which is accessible to persons with a Disability.

B. Each Superintendent is required to annually conduct a self-evaluation of the institution, including its programs, activities, services, administrative manuals, guides, policies, procedures, practices, directives, and memoranda.

C. Each Superintendent shall ensure that a self-evaluation plan analyzes whether institution policies, procedures and practices adversely affect the full participation of incarcerated individuals and civil commitments with a Disability in its programs, activities and services.

D. Each Superintendent shall then develop a compliance plan to ensure that modifications, which do not fundamentally alter the program, service or activity, and/or which do not cause undue hardship to the Department, are made.

1. Each Superintendent shall self-evaluate by:

a. Examining each program, activity and service in its entirety to determine whether any physical or other barriers to access exist;

b. Reviewing institution policies, procedures and practices to determine whether any exclude or limit the participation of incarcerated individuals and civil commitments with a Disability in its programs, activities or services;

c. Reviewing institution policies, procedures and practices to ensure Effective Communication with all incarcerated individuals and civil commitments, including incarcerated individuals and civil commitments with a Disability;

d. Reviewing institution policies, procedures, and practices to ensure they include provisions for incarcerated individuals and civil commitments with visual impairment, hearing impairments and/or mobility impairments. This review shall include determining a method for securing these provisions, including guidance on when and where these provisions shall be provided. Where equipment is used as part of the program activity or service, an assessment shall be made to ensure the equipment is usable by incarcerated individuals and civil commitments with visual, hearing, mobility, or other impairments and that said equipment is in working order;

e. Reviewing institution procedures to ensure that all evacuation plans address the needs of incarcerated individuals and civil commitments with a Disability during an emergency;

f. Reviewing institution policies and procedures to ensure incarcerated individuals and civil commitments with mobility impairments are provided access to group activity in accordance with 103 DOC 473, *Inmate Self Improvement Groups*;

g. Ensuring staff are familiar with institution policies and procedures pertaining to incarcerated individuals and civil commitments with disabilities and ensuring that training is provided to staff.

2. Each Superintendent shall develop a compliance plan that addresses the necessary modifications noted in the self-evaluation which does not fundamentally alter the program, activity or service, or cause undue hardship to the Department. The compliance plan shall also justify any exclusionary or limiting policies or practices that will not be modified.

3. Each Superintendent shall submit a copy of the annual self-evaluation assessment or any updated self-evaluation assessment to the Department ADA Coordinator and the Director of the Division of Resource Management (DRM).

408.04 DEPARTMENT ADA COORDINATOR

A. The Deputy Commissioner of Clinical Services and Reentry shall appoint a Department ADA Coordinator from the Health Services Division (HSD), who shall be knowledgeable regarding the ADA, as well as other provisions

of relevant local, state and federal laws. The duties of the Department ADA Coordinator shall include, but not be limited to, the following:

1. Develop procedures for the prevention of discrimination against incarcerated individuals and civil commitments with a Disability;

2. Conduct annual reviews of the Department's administrative directives, policies and institution procedures and recommend changes to assist in compliance with the ADA;

3. Consult with institution and Department administrators to coordinate, plan, and purchase adaptive equipment for incarcerated individuals and civil commitments with a Disability;

4. Consult with the Director of DRM, and recommend structural changes, where warranted, to comply with ADA requirements;

5. Consult with the Assistant Deputy Commissioner (ADC) of Clinical Services and Reentry or designee, to implement practices which enable incarcerated individuals and civil commitments with a Disability to be placed in institutions appropriate for specific disabilities, consistent with safety and security;

6. Coordinate with outside service providers for the provision of Reasonable Accommodations for incarcerated individuals and civil commitments with a Disability, consistent with safety and security;

7. Consult with the Director of the Division of Staff Development (DSD) to:

    a. Coordinate training for all staff on the requirements of this policy;
    b. Provide assistance to staff, including all Institution ADA Coordinators, in determining whether and how Reasonable Accommodations may be provided;
    c. Facilitate ongoing specialized training for all Institution ADA Coordinators;

8. Review monthly Institution ADA Coordinator reports related to ADA activity and compile statistics for a semi-annual composite report to the Commissioner;

9. Ensure prompt responses to questions regarding this policy and/or ADA requirements and full compliance with this policy and/or ADA requirements;

10. Act as appellate authority regarding requests for Reasonable Accommodations.

408.05 INSTITUTION ADA COORDINATOR

A. Generally, the Deputy Superintendent of Reentry at each institution shall act as the Institution ADA Coordinator for incarcerated individuals and civil commitments. The Institution ADA Coordinator shall be trained in the requirements of this directive and all ADA requirements that are relevant to the Institution ADA Coordinator's duties. The Institution ADA Coordinator's duties shall include, but not be limited to, the following:

1. Review proposed and existing directives, policies, and procedures to assess compliance with Department guidelines. Provide recommendations to the Superintendent for potential corrective action;

2. Receive copies of all incarcerated individual and civil commitment requests for Reasonable Accommodation;

3. Engage the incarcerated individual or civil commitment in dialogue regarding their request for a Reasonable Accommodation(s);

4. Conduct timely initial processing of all incarcerated individual or civil commitment requests for accommodations;

5. Consult with the appropriate staff to address requests for accommodation;

6. Ensure that each incarcerated individual or civil commitment request for a Reasonable Accommodation(s), whether verbal or in writing, is addressed.

   a. If the request is verbal, the Institution ADA Coordinator shall attempt to ensure that the incarcerated individual and civil commitment completes the Department's **Request for Reasonable Accommodation** form (Attachment #1).
   b. If the incarcerated individual or civil commitment refuses to or is incapable of completing the form, the Institution ADA Coordinator shall ensure that the form is completed by staff, noting the refusal or the reason assistance was needed;

7. Conduct Disability Accommodation Resources Assessment of incarcerated individuals and civil commitments identified as having hearing-related or sight-related disability utilizing the **Disability Accommodation Resources Assessment** form (Attachment #6);

8. Ensure that each housing unit, library, or alternative accessible location, has adequate copies of the Department's Request for Reasonable Accommodation Forms and that there is assistance available for those incarcerated individuals or civil commitments who, for reason of disability, are not able to independently complete the form;

9. Ensure that appropriate documentation concerning an incarcerated individual's or civil commitment's Reasonable Accommodation(s) is maintained in the incarcerated individual's or civil commitment's ADA Record;

10. Submit a monthly ADA activity report to the Superintendent and the Department ADA Coordinator as required.

408.06 NEW INCARCERATED INDIVIDUAL AND CIVIL COMMITMENT ADMISSION

A. Booking, medical, or orientation staff shall ask newly admitted incarcerated individuals and civil commitments within the first twenty-four (24) hours of arrival if they require accommodation because of a disability and shall record the incarcerated individual's or civil commitment's response.

B. Booking staff responsible for intake at each institution shall provide all newly admitted incarcerated individuals and civil commitments to that institution with a copy of an **Incarcerated Individual and Civil Commitment Orientation to ADA** form (Attachment #4) to be reviewed and signed by the incarcerated individual or civil commitment and the staff providing the form.

1. If an incarcerated individual or civil commitment states that they require an accommodation because of a disability, or alternatively, where staff have reason to believe a disability exists, the designated staff person shall provide the incarcerated individual or civil commitment with the Notice of Rights Under the Americans with Disabilities Act and a copy of 103 DOC 408, *Reasonable Accommodations*.

2. Additionally, staff shall notify incarcerated individuals and civil commitments of all telecommunication services and devices available at the institution by providing the **Telecommunication Aids and Services for Effective Communication** form (Attachment #5).

3. The said staff person shall, as soon as practicable, inform the Institution ADA Coordinator or designee of the newly admitted incarcerated individual or civil commitment request and/or need for an accommodation within twenty-four (24) hours of the incarcerated individual's or civil commitment's arrival.

C. Whenever it is determined that a newly admitted incarcerated individual or civil commitment is Deaf or Hard-of-Hearing, Blind, or has other physical or mental impairments which significantly limit access to programs and services in the institution, they shall be evaluated by the appropriate medical/mental health staff within seventy-two (72) hours of admittance for assessment and classification consistent with safety and security.

1. Those incarcerated individuals and civil commitments who did not receive the Notice of Rights Under the Americans with Disabilities Act and a copy of 103 DOC 408, *Reasonable Accommodations*, pursuant to 103 DOC 408.06 (A), shall receive a copy of the same.

2. If an incarcerated individual or civil commitment is unable to effectively read or communicate through written English as a result of their disability, the Institution ADA Coordinator shall promptly provide the incarcerated individual or civil commitment with those Auxiliary Aids and/or Services necessary so the incarcerated individual or civil commitment may effectively communicate and receive effective and substantially equal access to all programs, services and activities.

3. Incarcerated individuals and civil commitments who are sight impaired shall receive large print copies or audio tape, if appropriate.

4. Incarcerated individuals and civil commitments who are Deaf and Hard-of-Hearing and whose primary language is American Sign Language (ASL) shall promptly be provided with Qualified Sign Language Interpreter services.

a. If a Qualified Sign Language Interpreter cannot be provided within a reasonable timeframe, VRI can be utilized. Each Superintendent shall designate specific computer(s) at the institution where VRI is available.

D. The Department shall ensure that all incarcerated individuals and civil commitments have access to 103 DOC 408.

408.07 REQUESTS FOR REASONABLE ACCOMMODATIONS

A. How to Initiate a Request for Reasonable Accommodations

An incarcerated individual's or civil commitment's request for Reasonable Accommodation may be initiated in one (1) of three (3) ways:

1. By verbal or written request to any Department staff member, including the Institution ADA Coordinator;

2. By a verbal or written request to or from medical/mental health staff for a medically prescribed accommodation; or,

3. By completion of the Request for Reasonable Accommodation form (Attachment #1).

B. When a request for Reasonable Accommodation is initiated by an incarcerated individual or civil commitment directly to the Institution ADA Coordinator, the request shall be reviewed within three (3) business days of receiving a written or verbal request. When a request for Reasonable Accommodation is initiated by an incarcerated individual or civil commitment directly to a staff person it must be provided to the Institution ADA Coordinator the same day it is received.

1. The Institution ADA Coordinator shall evaluate the requested accommodation to determine whether it would present any safety or security concerns, whether it would fundamentally alter the nature of the service, program, or activity, whether it would create an undue financial burden, and, if necessary, whether there are feasible alternative ways of accommodating the special need.

2. In making these determinations, the Institution ADA Coordinator shall consult with the Superintendent and may consult with the appropriate correctional, medical and/or mental health staff.

3. The decision to modify or deny an accommodation that would result in a fundamental alteration or in undue financial or administrative burdens, or for safety and security concerns, or for the incarcerated individual or civil commitment seeking to participate in or benefit from a Department program, activity, or services who poses a Direct Threat to the health and safety of the incarcerated individual or civil commitment or others must be made by the Commissioner or their designee and documented with the basis for modifying or denying the accommodation. The Institution ADA Coordinator shall:

a. Store this documentation in the incarcerated individual's or

civil commitment's ADA Record; and

b. Shall give the incarcerated individual or civil commitment a hard copy of this documentation along with written notification of the decision modifying or denying the requested accommodation and notice of the incarcerated individual's or civil commitment's right to appeal within no more than three (3) days after the decision is rendered.

4. Decisions on an incarcerated individual's or civil commitment's Request for Reasonable Accommodation(s) shall be rendered by the Institution ADA Coordinator within twenty (20) business days from the receipt date unless additional information from correctional medical and/or mental health staff is required to render a decision. If additional information from a correctional medical and/or mental health staff is required, the incarcerated individual or civil commitment shall be notified in writing by the Institution ADA Coordinator that additional time is required to render a decision.

C. Incarcerated individuals and civil commitments may also initiate requests for Reasonable Accommodation with the contracted medical/mental health provider via the special needs/restriction process. If the medical restriction is approved, the contracted medical/mental health provider shall inform the Institution ADA Coordinator. The Institution ADA Coordinator shall review the accommodation to determine whether the accommodation would present any safety or security concerns, whether it would fundamentally alter the nature of the service, program, or activity, whether it would create an undue financial burden and, if necessary, whether there are feasible alternative ways of accommodating the special need.

1. An incarcerated individual or civil commitment requesting Reasonable Accommodation, whether through medical/mental health staff or directly to the Institution ADA Coordinator, shall expressly agree in writing to cooperate with the institution in the handling of their request. Cooperation shall include but is not limited to agreeing to be interviewed by institution and/or medical/mental health staff, as well as agreeing to an examination by medical/mental health staff in an effort to resolve the request. Although an incarcerated individual's or civil commitment's refusal to agree to such cooperation may not result in the outright denial of their Request for Reasonable Accommodation, their refusal may affect the outcome decision, i.e., the omission of necessary information may cause a denial. An incarcerated individual or civil commitment who refuses to cooperate in the handling of a request for Reasonable Accommodation through medical/mental health staff shall sign a medical treatment refusal form.

D. Upon receiving notification of a request for Reasonable Accommodation pursuant to 103 DOC 408.07 (A)(3), the Institution ADA Coordinator shall attempt to engage in dialogue with the incarcerated individual or civil commitment. The Institution ADA Coordinator shall discuss with the incarcerated individual or civil commitment their impairment(s) which forms the basis of the request.

1. After discussing the accommodation with the incarcerated individual or civil commitment, the Institution ADA Coordinator shall first assess whether the accommodation is reasonable. If so, the Institution ADA Coordinator shall assess whether the request impacts any safety or security concerns, necessitates any physical plant adjustments, requires accessibility alternatives for a program or service or, whether the request for Reasonable Accommodation requires a further assessment of the incarcerated individual's or civil commitment's physical/mental condition.

2. If an incarcerated individual or civil commitment requires Auxiliary Aid or Service for Effective Communication, the Department must provide an opportunity for the incarcerated individual or civil commitment to request Auxiliary Aid or Service of their choice and must give primary consideration to the choice expressed by the incarcerated individual or civil commitment. "Primary consideration" means that the Department must hone the choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration of the service, program, or activity, an undue financial and/or administrative burden, or actual risk or impairment of the safe operation of a Department institution or the service, program, or activity.

3. If a safety or security concern exists which prohibits the granting of the request, the Institution ADA Coordinator shall assess whether an alternative to the original request exists. If so and provided this alternative does not present any medical/mental health concerns, the Institution ADA Coordinator shall discuss the alternative with the incarcerated individual or civil commitment.

    a. After this discussion, if the incarcerated individual or civil commitment accepts the alternative, the Institution ADA Coordinator shall indicate a modification decision on the Request for Reasonable Accommodation Form.
    b. If there is no alternative, or if the incarcerated individual or civil commitment refuses the proposed alternative, the Institution ADA Coordinator shall indicate a denial decision on the Request for Reasonable Accommodation Form.

c. In either instance, the basis for the decision shall be clearly documented.

4. If the accommodation request requires a physical plant adjustment, the Institution ADA Coordinator shall consult with the Superintendent and institution engineering staff to determine the feasibility of the adjustment. If necessary, the Director of DRM shall be consulted.

   a. If it is determined that an adjustment shall be made, the Institution ADA Coordinator shall ensure that appropriate steps are taken to accommodate the request. They shall indicate on the Request for Reasonable Accommodation Form that the request is granted, indicating the basis for the decision.
   b. If it is determined that the adjustment is not able to be provided, the Institution ADA Coordinator shall assess whether an alternative exists.
      i. If so, they shall discuss the alternative with the incarcerated individual or civil commitment. After this discussion, if the incarcerated individual or civil commitment accepts the alternative, the Institution ADA Coordinator shall indicate a modification decision on the Request for Reasonable Accommodation Form.
      ii. If there is no alternative, or the incarcerated individual or civil commitment refuses the proposed alternative, the Institution ADA Coordinator shall indicate a denial decision on the Request for Reasonable Accommodation Form.
   c. In either instance, the basis for the decision shall be clearly documented.

5. If the accommodation request requires accessibility alternatives for a program or service, the Institution ADA Coordinator shall consult with the appropriate institution staff member who oversees the program or service to determine the feasibility of the request. If necessary, the Department's Director of Program Services and Reentry shall be consulted.

   a. If it is determined that accessibility is warranted, the Institution ADA Coordinator shall ensure that appropriate steps are taken to accommodate the request. They shall indicate on the Request for Reasonable Accommodation Form that the request is granted, indicating the basis for the decision.
   b. If it is determined that the accommodation is not able to be

provided, the Institution ADA Coordinator shall assess whether an alternative exists.

i. If so, they shall discuss the alternative with the incarcerated individual or civil commitment. After this discussion, if the incarcerated individual or civil commitment accepts the alternative, the Institution ADA Coordinator shall indicate a modification decision on the Request for Reasonable Accommodation Form.

ii. If there is no alternative, or the incarcerated individual or civil commitment refuses the proposed alternative, the Institution ADA Coordinator shall indicate a denial decision on the Request for Reasonable Accommodation Form.

c. In either instance, the basis for the decision shall be clearly documented.

6. The Institution ADA Coordinator shall store all approved, modified, and or denied Reasonable Accommodation documentation in the incarcerated individual's or civil commitment's designated ADA Record. Additionally, all completed Request for Reasonable Accommodation Forms shall be forwarded to the Department ADA Coordinator.

E. If the request for Reasonable Accommodation requires an assessment of the incarcerated individual's or civil commitment's physical/mental health condition, then the Institution ADA Coordinator shall arrange for the incarcerated individual or civil commitment to be evaluated by the institution's appropriate medical or mental health care provider.

1. If medical/mental health staff determine that a medically prescribed accommodation is warranted, they shall convey the medical/mental health order to the Institution ADA Coordinator via the **Medical Restrictions Form,** Attachment H to the 103 DOC 630, *Medical Service* policy, and shall enter the order in the "Restrictions/Limitations/Special Needs" section of the "Medical Restrictions" screen of the Medical Module of the IMS.

2. Under no circumstances shall correctional staff substitute their judgment for that of medical/mental health staff where a medical accommodation has been prescribed. Additionally, a determination by medical/mental health staff to not prescribe a medical order or medical accommodation to an incarcerated individual or civil commitment shall not preclude the Institution ADA Coordinator or Department ADA Coordinator from approving other accommodations that are necessary for the incarcerated individual's or civil commitment's Effective Communication or effective,

meaningful, and substantially equal access to Department programs, services, and activities.

3. All medical orders are valid through the specified expiration date and shall be reviewed no less than annually. Medically prescribed accommodations will also be reviewed annually, which review will include addressing institution safety and security concerns.

4. Should a medically prescribed accommodation require a modification under these circumstances, the Institution ADA Coordinator shall notify medical/mental health staff of the safety/security concerns so that medical/mental health staff can appropriately modify the prescribed accommodation.

F. Upon approval of Reasonable Accommodation, regardless of how the request was initiated, the Institution ADA Coordinator shall prepare and send an **Accommodation Approval Memorandum** (Attachment #3) to the concerned incarcerated individual or civil commitment and distribute copies as indicated on the form and to whomever else the Institution ADA Coordinator deems necessary in order to properly implement the accommodation.

1. The Institution ADA Coordinator shall store this approved Reasonable Accommodation documentation in the incarcerated individual's or civil commitment's designated ADA Record. The Institution ADA Coordinator shall also enter the accommodation(s) in the "ADA" screen of the Medical Module of the IMS.

2. Additionally, if the approval of a Reasonable Accommodation indicates a medical or mental health need, it shall be forwarded to the institution's Health Services Administrator (HSA), who shall upon receipt of the Memorandum, enter a brief but informative description of the accommodation(s) in the "Restrictions/Limitations/Special Needs" section of the "Medical Restrictions" screen of the Medical Module of the IMS.

G. The Department shall not assess the cost of approved accommodations to the incarcerated individual or civil commitment with a Disability in accordance with 28 C.F.R. 35.130(f).

H. If the request is denied, the incarcerated individual or civil commitment shall be notified in writing and advised of the right to appeal the decision to the Department ADA Coordinator within ten (10) business days from receipt from the Institution ADA Coordinator. Additionally, the Institution ADA Coordinator shall store this denied Reasonable Accommodation documentation in the incarcerated individual's or civil commitment's

designated ADA Record.

I. The Department shall provide appropriate Auxiliary Aids and/or Services, including Qualified Sign Language Interpretation and writing assistance, to any incarcerated individual or civil commitment who cannot effectively complete the Department's Reasonable Accommodation process without such accommodations due to a disability.

1. Auxiliary Aids and/or Services will be made available at all stages of the Department's Reasonable Accommodation process, including to assist the incarcerated individual or civil commitment in:

a. Completing the request for Reasonable Accommodation form;
b. Effectively Communicating with the Institution ADA Coordinator;
c. Effectively Communicating with the contracted medical provider staff conducting an evaluation related to a medically prescribed accommodation;
d. Reading and fully understanding the content of a decision concerning a requested accommodation; and/or
e. Completing the appeal form.

2. Incarcerated individuals and civil commitments who need Auxiliary Aids and Services to access the Reasonable Accommodation process will not be required to submit a written request or complete the Department's Reasonable Accommodation process in order to receive assistance in any stage of the Reasonable Accommodation process.

408.08 APPEAL

A. Whenever an accommodation is either modified or denied, the incarcerated individual or civil commitment may appeal the decision to the Department ADA Coordinator. The appeal must be filed within ten (10) business days from receipt of the Institution ADA Coordinator's decision unless the Department ADA Coordinator waives the time limitation for good cause. The appeal must be submitted on the Department's **Request for Reasonable Accommodation Appeal** form, (Attachment #2). Upon request, incarcerated individuals and civil commitments with Disabilities shall be provided assistance in completing the appeal form.

B. The Department ADA Coordinator shall review the appeal and may consult with the Institution ADA Coordinator or any other appropriate Department, institution, or contracted medical/mental health staff in order to render a decision.

C. The Department ADA Coordinator may take any action that an Institution ADA Coordinator may take (e.g., consult with the incarcerated individual or civil commitment or appropriate institution staff).

D. The Department ADA Coordinator shall render a decision on the appeal within twenty (20) business days, unless additional information from correctional, medical and/or mental health staff is required to render a decision. If additional information from a correctional medical and/or mental health staff is required, the incarcerated individual or civil commitment shall be notified in writing by the Department ADA Coordinator that additional time is required to render a decision.

408.09 INCARCERATED INDIVIDUAL AND CIVIL COMMITTMENT WORK PROGRAMS

A. The Department shall provide incarcerated individuals and civil commitments with Disabilities opportunities for institution work assignments that are consistent with the opportunities for the same assignments afforded to other incarcerated individuals and civil commitments. No eligible incarcerated individual or civil commitment with a Disability shall be prevented from participation in, or from enjoying the benefits of, existing work programs.

B. The work assignment plan shall provide that eligible incarcerated individuals and civil commitments with a Disability have work opportunities in existing work programs available commensurate with their abilities and which are consistent with the institution's safety and security operations in accordance with 103 DOC 450, *Institution Work Assignments*.

C. If the Department denies an incarcerated individual or civil commitment with a Disability access to work assignments on the basis that the work assignment presents a Direct Threat of injury or death to the incarcerated individual or civil commitment, the reason for that decision must be documented in the incarcerated individual's or civil commitment's ADA Record.

408.10 AUXILIARY AIDS AND SERVICES

A. Auxiliary Aids and Services are provided to assist an incarcerated individual or civil commitment in effectively accessing existing programs and services, including but not limited to:

1. Educational/vocational/religious activities;

2. Appeal procedures;

3. Administrative or disciplinary proceedings, including protective custody and restrictive status hearings;

4. Orientation and classification proceedings;

5. Mental health counseling; and

6. Medical services.

408.11 AUXILIARY AIDS AND SERVICES FOR INCARCERATED INDIVIDUALS AND CIVIL COMMITMENTS WHO ARE BLIND, VISUALLY IMPAIRED, DEAF, HARD-OF-HEARING, AND LATE DEAFENED

A. When an incarcerated individual or civil commitment has been identified as Deaf or Hard-of-Hearing, Blind, or visually impaired at any time during their incarceration, including at intake or by the Department's contracted medical provider, the Institution ADA Coordinator shall conduct a Disability Accommodation Resources Assessment that assesses the incarcerated individual's or civil commitment's hearing-related or sight-related needs so that they may effectively communicate and receive effective, meaningful, and substantially equal access to Department programs, services, and activities during their incarceration.

B. Auxiliary Aids and Services shall be provided, when medically necessary or approved through the Disability Accommodation Resources Assessment or the Reasonable Accommodation process, as determined by the Department, to assist an incarcerated individual or civil commitment who is disabled to ensure access with a Reasonable Accommodation to existing programs, services, activities and/or benefits within the Department.

C. If an incarcerated individual or civil commitment arrives in Department custody with a hearing-related or sight-related medical device, or hearing-related or sight-related Auxiliary Aid, they shall be permitted to retain such assistive device pending intake assessment by contracted medical provider staff, absent security concerns.

D. If an incarcerated individual's or civil commitment's hearing or vision impairment has been identified as a clinical condition that is not expected to resolve or improve through the passage of time, the contracted medical provider will designate a medically prescribed Auxiliary Aid or Service as an open-ended medical restriction, which will be subject to periodic reviews for appropriateness. If such medical restriction is modified or discontinued, the reasons for the modification or discontinuation will be documented.

E. Deaf, Hard-of-Hearing, and Late Deafened

1. Auxiliary Aids and Services for Deaf, Hard-of-Hearing, and Late Deafened incarcerated individuals and civil commitments may include the following:

   a. Captioned telephone/CapTel telephone;
   b. Telephone with Amplified Volume Control;
   c. Videophones (incarcerated individuals and civil commitments whose primary language is ASL);
   d. Video Relay Services (VRS) (incarcerated individuals and civil commitments whose primary language is ASL);
   e. Teletypewriter (TTY);
   f. Hearing aid compatible telephone;
   g. Qualified Sign Language Interpreter;
   h. Video Remote Interpreting (VRI);
   i. Communication Access Real Time Translation (CART);
   j. Closed caption television/VCR decoder;
   k. Sound amplification and assistive listening devices when deemed medically necessary;
   l. Sound signals and flashing alarms;
   m. Visual and sound smoke alarms;
   n. Vibrating watch;
   o. Hearing aids and batteries, when deemed medically necessary;
   p. Pictogram flashcard;
   q. Identification Card;
   r. Identification sign for room;
   s. Visual and tactile notification devices; and
   t. Other items that might be reasonably required due to medical necessity.

2. The Institution ADA Coordinator shall ensure that Deaf and Hard-of-Hearing incarcerated individuals and civil commitments receive Auxiliary Aids and Services to ensure Effective Communication during incarcerated individual and civil commitment orientation. All Deaf or Hard-of-Hearing incarcerated individuals and civil commitments whose primary language is ASL shall receive Qualified Sign Language Interpretation for the purposes of incarcerated individual and civil commitment orientation, interpretation of the Incarcerated Individual or Civil Commitment Manual and interpretation of the notification regarding the telecommunication services and devices available to Deaf and Hard-of-Hearing incarcerated individuals and civil commitments at Department institutions.

3. The Institution ADA Coordinator shall make a written record of any accommodation(s) provided to Deaf and Hard-of-Hearing incarcerated individuals and civil commitments for the purposes of orientation in each incarcerated individual's or civil commitment's ADA Record.

4. The Department reserves the right to confiscate any Auxiliary Aid if the Deaf or Hard-of-Hearing incarcerated individual or civil commitment for whom it has been approved, intentionally destroys, damages, and/or alters said Auxiliary Aid or intentionally misuses it to use it for an unintended purpose. If an Auxiliary Aid is confiscated, the Department shall take other action(s) to nevertheless ensure that the Deaf or Hard-of-Hearing incarcerated individual or civil commitment receives effective access to programs and/or services.

5. The Department shall allow all Deaf and Hard-of-Hearing incarcerated individuals and civil commitments who utilize hearing aids to keep their hearing aids on their person in all housing placements and/or assignments, absent a legitimate health or security risk specifically related to the incarcerated individual's or civil commitment's retention of the hearing aid(s). If the Department denies a Deaf or Hard-of-Hearing incarcerated individual or civil commitment access to hearing aids on this basis, the reason for this decision must be documented in the incarcerated individual's or civil commitment's ADA Record.

6. The Department shall ensure that if a Deaf or Hard-of-Hearing incarcerated individual or civil commitment who utilizes hearing aids is placed on a Mental Health watch, the Department's contracted medical provider shall not confiscate their hearing aids unless the contracted medical provider determines that the incarcerated individual's or civil commitment's retention of the hearing aids presents a risk to the incarcerated individual's or civil commitment's health, safety, or security. If the contracted medical provider confiscates a Deaf or Hard-of-Hearing incarcerated individual's or civil commitment's hearing aid(s) in such circumstances, the reason for that decision shall be documented in the incarcerated individual's or civil commitment's medical records.

7. <u>Qualified Sign Language Interpreters</u>

   a. When it has been determined that a Deaf or Hard-of-Hearing incarcerated individual or civil commitment needs an ASL interpreter to have communications that are substantially as effective as communications by hearing incarcerated

individuals and civil commitments, the Department shall ensure that Qualified Sign Language Interpreter services are available at the programs, appointments and/or major events listed below without requiring the incarcerated individual or civil commitment to submit a request for accommodation pursuant to 103 DOC 408:

i. Incarcerated individual and civil commitment orientation;
ii. Classification hearings;
iii. Sex Offender treatment programming (to be provided by the Department's Sex Offender Treatment Provider);
iv. Inner Perimeter Security or other Department investigations and related questioning;
v. Disciplinary proceedings;
vi. Medical appointments, evaluations, mental health services, to include mental health rounds for incarcerated individuals in a SAU and incarcerated individuals and civil commitments in a BAU, (but excluding routine medical events like daily insulin shots or trips through the medication line) that occur within Department institutions (to be provided by the Department's medical provider);
vii. BAU proceedings at which the incarcerated individual or civil commitment has the opportunity to appear in person;
viii. SAU proceedings at which the incarcerated individual has the opportunity to appear in person;
ix. Grievance interviews;
x. Scheduled meetings with the Institution ADA Coordinator, Department ADA Coordinator, or Contract Medical Provider (to be provided by the Department's medical provider) concerning request for accommodations;
xi. Educational and vocational classes in which the incarcerated individual or civil commitment is enrolled;
xii. All programs included on the incarcerated individual's or civil commitment's Personalized Program Plan in the Need Areas of Substance Use, Criminal Thinking, Anger, Cognitive/Behavioral, Academic Education/Vocational, and Sex Offender Treatment (to be provided by the Department's Sex Offender Treatment Provider));

xiii. Any programs in which the incarcerated individual is enrolled for which earned good time may be awarded, leading to a possible reduction in sentence, or where a liberty interest may be implicated;
xiv. Programs and meetings concerning reentry and discharge planning;
xv. Religious Services; and
xvi. Any specific pre-release Department program recommended by the Parole Board.

b. Incarcerated individual or civil commitment requests for Qualified Sign Language Interpretation for events and circumstances other than the those listed above shall be considered and processed in accordance with 103 DOC 408. When circumstances prevent the Department from providing necessary interpreter services for the programs, appointments, and/or major events listed above, the Department must document in writing the reason(s) that such services could not be provided and must take any other action to ensure that, to the maximum extent possible, the Deaf or Hard-of-Hearing incarcerated individual or civil commitment receives substantially equal access to the benefits or services provided by the Department. This may include access to VRI if a Qualified Sign Language Interpreter cannot be provided within a reasonable timeframe.

c. ASL is the most commonly encountered form of sign language in the United States. If the Institution ADA Coordinator requires assistance or guidance in accommodating a non-ASL sign language speaker, they should contact the Department ADA Coordinator.

d. The Department is not required to provide a Qualified Sign Language Interpreter for a program or event if:

i. The incarcerated individual or civil commitment knowingly and voluntarily waives in writing their right to a Qualified Sign Language Interpreter;
ii. The Department can demonstrate that another substantially equal and effective means of communication is available; or
iii. Provision of a Qualified Sign Language Interpreter would result in a fundamental alteration in the service, program, or activity, in undue financial or administrative burdens, or in actual risks or

impairment of the safe operation of a Department institution or the service, program, or activity.

8. Telecommunication Services: The Department offers telecommunication devices and services to Deaf and Hard-of-Hearing individuals and to other incarcerated individuals and civil commitments with a Disability to enable Effective Communication with people outside Department institutions. These devices and services include Videophones, Video Relay Services (VRS), Teletypewriters (TTY), Captioned Telephones (CapTel), Telephones with Amplified Volume Control, and hearing aid compatible traditional phones.

9. Videophones are available to Deaf and Hard-of-Hearing incarcerated individuals and civil commitments whose primary language is sign language. The purpose of videophones is to enable approved incarcerated individuals and civil commitments who communicate using sign language to Effectively Communicate with sign language speakers outside of Department institutions through point-to-point video communication and to communicate with hearing individuals outside of Department institutions through the use of VRS, which allows communications between signing incarcerated individuals and civil commitments and hearing individuals through a sign language interpreter.

10. Deaf and Hard-of-Hearing incarcerated individuals and civil commitments may be approved for and receive regular access to more than one (1) of the above telecommunication service(s) or device(s).

11. Incarcerated individuals and civil commitments who have been approved to use videophones, VRS, TTY, and/or CapTel devices will be allowed **twice the amount of time** to complete calls using these devices as is afforded to incarcerated individuals and civil commitments who complete telephone calls using traditional telephones, subject to operational or security concerns or administrative constraints (e.g., institution emergencies).

12. Visual and/or tactile notification devices: Vibrating watches that can be set to vibrate at specified times (ex., major counts) shall be available to approved Deaf and Hard-of-Hearing incarcerated individuals and civil commitments.

13. Deaf and Hard-of-Hearing incarcerated individuals and civil commitments whose primary language is sign language are not required to complete a request for Reasonable Accommodation or

to complete the Reasonable Accommodation process to be approved for access to videophone, CapTel, or TTY devices or to be provided a vibrating watch. Deaf and Hard-of-Hearing incarcerated individuals and civil commitments whose primary language is sign language shall also be offered a pager that will allow Department staff to send an alert to the incarcerated individual's or civil commitment's device.

14. Oral announcements and commands, whether through a public address system or other means, shall be communicated to incarcerated individuals and civil commitments who are Deaf, Late Deafened and Hard-of-Hearing in a manner which can be understood. Deaf, Late Deafened and Hard-of-Hearing incarcerated individuals and civil commitments shall not be disciplined for failure to obey an order or rule which may not have been communicated to the incarcerated individual or civil commitment with a Disability in a manner which could be understood by the incarcerated individual or civil commitment.

15. The Department shall provide a non-auditory notification system to alert all Deaf and Hard-of-Hearing incarcerated individuals and civil commitments, of such things as emergencies, counts, and announcements whenever and wherever the incarcerated individual or civil commitment may be in the institution, either manually, in writing, or by other available technology selected for use by the Department.

F. Blind and Visually Impaired

1. Assistive devices for Blind and visually impaired incarcerated individuals and civil commitments may include the following:

   a. Large print material, to include forms, information, and books;
   b. Audiobooks;
   c. Audio recorder and audio tapes;
   d. Trained incarcerated individual or civil commitment assistants designated by the Superintendent;
   e. Orientation and incarcerated individual or civil commitment manuals in large print or audio as needed;
   f. Cane, when deemed medically necessary;
   g. Prescription eyeglasses, when deemed medically necessary;
   h. Protective eyewear, when deemed medically necessary;
   i. Magnification aids, when deemed medically necessary;
   j. Lighting/Lamps, when deemed medically necessary;
   k. Pictogram flashcard;

l. Identification Card;
m. Identification Sign for room;
n. Note takers;
o. Talking/vibrating watch;
p. Braille materials;
q. Braille Teletypewriter (TTY); and
r. Other items that might be reasonably required due to medical necessity.

2. The Institution ADA Coordinator shall ensure that Blind or visually impaired incarcerated individuals and civil commitments receive such Auxiliary Aids and Services to ensure Effective Communication during incarcerated individual and civil commitment orientation, interpretation of the Incarcerated Individual and Civil Commitment Manuals, and interpretation of the notification regarding the telecommunication services. The Institution ADA Coordinator shall make a written record of any accommodations provided to Blind or visually impaired incarcerated individuals and civil commitments for the purposes of orientation in each incarcerated individual's or civil commitment's ADA Record.

3. When circumstances prevent the Department from providing necessary aids and services for programs, appointments, and/or major events, the Department must document in writing the reason(s) that such aids and services could not be provided and must take any other action to ensure that, to the maximum extent possible, the Blind or visually impaired incarcerated individual or civil commitment receives substantially equal access to the benefits or services provided by the Department.

4. The Department reserves the right to confiscate any Auxiliary Aid if the Blind or visually impaired incarcerated individual or civil commitment for whom it has been approved intentionally damages and/or destroys said Auxiliary Aid, or intentionally misuses or alters said Auxiliary Aid in order to use it for an unintended purpose. If an Auxiliary Aid is confiscated, the Department shall take other action(s) to nevertheless ensure that the Blind or visually impaired incarcerated individual or civil commitment receives effective access to benefits and/or services.

The Department shall allow all Blind or visually impaired incarcerated individuals and civil commitments who utilize Auxiliary Aids to have them on their person in all housing placements and/or assignments, absent a legitimate health or security risk specifically related to the incarcerated individual's or

civil commitment's retention of the Auxiliary Aid(s). If the Department denies a Blind or visually impaired incarcerated individual or civil commitment access to Auxiliary Aids on this basis, the reason for this decision must be documented in the incarcerated individual's or civil commitment's ADA Record.

The Department shall ensure that, if a Blind or visually impaired incarcerated individual or civil commitment who utilizes Auxiliary Aids is placed on a Mental Health Watch, the Department's contracted medical provider shall not confiscate their Auxiliary Aids unless the contracted medical provider determines that the incarcerated individual's or civil commitment's retention of the Auxiliary Aids presents a risk to the incarcerated individual's or civil commitment's health, safety, or security. If the contracted medical provider confiscates a Blind or visually impaired incarcerated individual's or civil commitment's Auxiliary Aid(s) in such circumstances, the reason for that decision shall be documented in the incarcerated individual's or civil commitment's medical records.

5. The institution shall ensure that a trained incarcerated individual or civil commitment assistant designated by the Superintendent is provided for incarcerated individuals and civil commitments who are visually impaired during an emergency or any type of movement as necessary.

408.12 TRAINING

The Director of DSD shall develop an ADA training Curriculum in conjunction with the Department ADA Coordinator, for all Department employees and contractors. All new employees and contractors shall receive ADA training as a component of pre-service training and institution orientation. Existing employees shall receive ADA training as needed by the Institution ADA Coordinator.

The Institution ADA Coordinator at each institution shall receive specialized training by a competent authority related to ADA and trained in the requirements of this directive.

408.13 INTER-INSTITUTIONAL TRANSFERS

A. The Superintendent of each institution shall ensure that the written and automated records of all admissions to the institution are reviewed for approved accommodations as part of the admissions process. Additionally, the institution's admission procedures shall include a mechanism by which the Institution ADA Coordinator, or Shift Commander during non-business hours, is either notified upon the arrival of transferred incarcerated

individuals with approved accommodations or proactively ensures the review of the applicable screen(s) in IMS to note such arrival.

B. Pending a review by the receiving institution's medical staff, all medically prescribed accommodations that were approved at the sending institution shall be honored at the receiving institution, subject to any adjustments made as a result of the initial medical screening process. Upon review, should medical staff determine that a modification or discontinuance of the medically prescribed accommodation is appropriate, they shall convey such changes to the Institution ADA Coordinator pursuant to the procedure set forth in 103 DOC 408.06.

Under no circumstances shall correctional staff at the receiving institution substitute their judgment for that of medical staff where a medical accommodation has been prescribed at the sending institution.

C. Pending a review by the receiving institution's Institution ADA Coordinator, all accommodations, other than those medically prescribed, that were approved at the sending institution, shall be honored at the receiving institution to the extent possible, given the receiving institution's differing security level, rules and requirements.

D. The Institution ADA Coordinator at the receiving institution may alter the accommodation in a manner consistent with 103 DOC 408.07, based upon factors or conditions at that institution. In doing so, the Institution ADA Coordinator should consult with the appropriate correctional, medical and/or mental health staff.

408.14 STAFF ACCESS

A. The Department will provide appropriate Auxiliary Aids and/or Services including, Qualified Sign Language Interpretation and writing assistance, to any incarcerated individual or civil commitment with a Disability to ensure that they have effective access to Staff Access periods that is substantially equal to the access available to other incarcerated individuals and civil commitments at the same institution, or, alternatively, that they have effective access to Department staff who are available during Staff Access periods in a separate meeting at least as frequently as other incarcerated individuals and civil commitments who have access to such staff during Staff Access periods at the same institution.

B. Incarcerated individuals and civil commitments who by reason of their disability cannot effectively access the Department's Staff Access period shall not be required to submit a written request or complete the Department's Reasonable Accommodation process in order to receive assistance regarding Staff Access.

C. The Department will engage in dialogue with the incarcerated individual or civil commitment who needs Auxiliary Aids and/or Services which must be scheduled in advance (e.g. Qualified Sign Language Interpreters, CART services, etc.) to establish the frequency the incarcerated individual or civil commitment intends to attend Staff Access periods.

408.15 GRIEVANCE PROCEDURES UNDER THE ADA

A. The Department provides incarcerated individual and civil commitment grievance procedures, 103 CMR 491, *Inmate Grievances*, as required by the American with Disabilities Act (ADA). It may be used by an incarcerated individual or civil commitment who wishes to file a complaint alleging discrimination on the basis of disability with regard to services, activities, programs, or benefits that are provided by the Department. 103 CMR 491, *Inmate Grievances*, is available for incarcerated individuals and civil commitments to view in the institution library.

B. The Department will also provide appropriate Auxiliary Aids and/or Services including, Qualified Sign Language Interpretation and writing assistance, to any incarcerated individual or civil commitment who needs accommodation(s) to effectively complete the Department's grievance process. Auxiliary Aids and/or Services will be made available at all stages of the Department's grievance process. Incarcerated individuals and civil commitments who by reason of their disability cannot effectively complete the Department's grievance process shall not be required to submit a written request or complete the Department's Reasonable Accommodation process in order to receive assistance with the grievance process.

C. Any incarcerated individual or civil commitment who is unable to initiate the grievance process in writing as a result of their impairment may inform a Correctional Program Officer (CPO) or the Institution ADA Coordinator that they require assistance to initiate or complete the grievance process.

408.16 EMERGENCIES

In an emergency or disruption of normal institution operation, or in furtherance of the legitimate security interests of an institution or the Department, any provision or section of this policy may be suspended, for any incarcerated individual or civil commitment or all incarcerated individuals and civil commitments, by the Commissioner or designee.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION

REQUEST FOR REASONABLE ACCOMMODATION

Name of Incarcerated Individual or Civil Commitment:	Commitment #:
Institution:	
Describe your disability:	
How does this disability limit your daily activities?	
What accommodation(s) are you requesting for your disability?	

I expressly agree to cooperate in the handling of my request, including but not limited to, agreeing to be interviewed by medical/mental health staff, as well as agreeing to an examination by medical/mental health staff in an effort to resolve the request.

_____
Incarcerated Individual/Civil Commitment Name Printed

_____ _____
Incarcerated Individual/Civil Commitment Signature Date

Received by:

_____ _____ _____
Employee's Name Printed Employee's Signature Date

Please send completed form to Institution ADA Coordinator

Denied Requests for Reasonable Accommodations may be Appealed to the Department ADA Coordinator within Ten (10) Business Days from the Date of the Institution ADA Coordinator's Decision

To be completed by the Institution ADA Coordinator:

Request for Reasonable Accommodation Received on:_____
Date

Medical/Mental Health Staff has been consulted regarding request: ☐ YES ☐ NO

Name of Medical/Mental Health Staff:_____ _____
Date

A Medical Order exists concerning incarcerated individual's or civil commitment's accommodation:

☐ YES (please attach) ☐ NO

Date of Incarcerated Individual or Civil Commitment Dialogue:_____

Summary of Dialogue with incarcerated individual or civil commitment: _____

_____

_____

_____

_____

Request for Reasonable Accommodation is: ☐ Granted ☐ Modified ☐ Denied

Basis for Decision: _____

_____

_____

Signature:_____ Date:_____
Deputy Superintendent/ Institution ADA Coordinator

Denied Requests for Reasonable Accommodations may be Appealed to the Department ADA Coordinator within Ten (10) Business Days from the Date of the Institution ADA Coordinator's Decision

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION

APPEAL FROM DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION

Name of Incarcerated Individual or Civil Commitment:	Commitment #:
Institution:	
Rationale for appeal:	
What accommodation(s) are you requesting for your disability?	

I expressly agree to cooperate in the handling of my request, including but not limited to, agreeing to be interviewed by medical/mental health staff, as well as agreeing to an examination by medical/mental health staff in an effort to resolve the request. Additionally, I understand that my Request for Reasonable Accommodation (Attachment #1) will be reviewed by the Department ADA Coordinator during the appeal process.

_____
Incarcerated Individual/Civil Commitment Name Printed

_____ _____
Incarcerated Individual/Civil Commitment Signature Date

Please Send Completed Form to:

Department ADA Coordinator
Health Services Division
50 Maple Street
Milford, MA 01757

To be completed by the Department ADA Coordinator

Request for Reasonable Accommodation Received on:_____
Date

Medical Staff has been consulted regarding request: ☐ YES ☐ NO

Name of Medical Staff:_____ _____
Date

A Medical Order exists concerning incarcerated individual's or civil commitment's accommodation:

☐ YES (please attach) ☐ NO

Request for Reasonable Accommodation is: ☐ Granted ☐ Modified ☐ Denied

Basis for Decision: _____

_____

_____

Signature:_____ Date:_____
Department ADA Coordinator

TO: _____ _____
Incarcerated Individual/Civil Commitment Name Commitment #

FROM: _____
Deputy Superintendent of Reentry/Institution ADC Coordinator

RE: Incarcerated Individual/Civil Commitment with A Disability Reasonable Accommodation Approval

DATE: _____ EXPIRATION DATE:_____

Be advised the above named incarcerated individual or civil commitment is authorized for the following Reasonable Accommodation(s) due to a limitation or impairment in one (1) or more major life activities.

LIMITATIONS:		**DATES**	
1.	Work Program:	From	To
	☐ No Work	_____	_____
	☐ Light Work	_____	_____
	☐ No Heavy Machinery/Heights	_____	_____
	☐ Other_____	_____	_____
2.	Physical Activity:	From	To
	☐ Difficulty with Ambulation	_____	_____
	☐ Prosthetic Device	_____	_____
	☐ Other_____	_____	_____

SPECIAL NEEDS/ACCOMMODATIONS:

1.	Special Housing:	From	To
	☐ Close Proximity to H.S.U.	_____	_____
	☐ H.S.U. Bed	_____	_____
	☐ Floor Level	_____	_____
	☐ Other_____	_____	_____
2.	Handicapped Accessibility:	From	To
	☐ Wheelchair	_____	_____
	☐ Handicapped Cell	_____	_____
	☐ Bottom Bunk	_____	_____
	☐ Other (e.g. Visual, Hearing)_____	_____	_____
3.	Special Items (Describe Below):	From	To
	☐ _____	_____	_____
	☐ _____	_____	_____
	☐ _____	_____	_____

TRANSPORTATION RESTRICTIONS:

		From	To
☐	Modified Restraint(s) due to:	_____	_____
☐	_____	_____	_____
☐	_____	_____	_____
☐	Sedan	_____	_____
☐	Wheelchair Van	_____	_____
☐	Other_____	_____	_____

Comments:

_____

_____

_____

_____

_____

CC: Assistant Deputy Commissioner of Clinical Services
Superintendent
Deputy Superintendent of Reentry
Director of Security
Shift Commanders, 7x3, 3x11, 11x7
Health Services Administrator
Institutional Assignment Officer
Property Officer
Incarcerated Individual's or Civil Commitment's ADA Record

Massachusetts Department of Correction
Incarcerated Individual and Civil Commitment Orientation to ADA

If you have a disability (defined below), you have the right to request reasonable accommodations per Department policy 103 DOC 408, *Reasonable Accommodations*, in order to make programs and services you are receiving, or will receive, more accessible and usable to you. Under the Americans with Disabilities Act (ADA), an individual with a disability is a person who has:

- A physical or mental impairment that substantially limits one or more major life activities, such as: walking, talking, hearing, seeing, caring for oneself, or working;
- A record of such impairment; or
- Is regarded as having such an impairment.

A reasonable accommodation is any change in the environment or the way in which tasks are completed that allows you to participate in the program or service. The Department will, upon request, provide appropriate auxiliary aids and services to enhance communication for qualified incarcerated individuals and civil commitments with disabilities so that they may participate fully in programs and services. The Department will provide other means of making information and communications accessible to incarcerated individuals and civil commitments who have speech, hearing, or vision impairments. Reasonable accommodations and appropriate auxiliary aids and services will be provided unless doing so would pose a safety and security risk, fundamentally alter the nature of the program or service, present an undue financial burden, or pose a direct threat to the health or safety of the incarcerated individual, civil commitment, or others.

How to Ask for Reasonable Accommodation

If you need reasonable accommodation at any point while in the custody of the Massachusetts Department of Correction, ask any staff for a 103 DOC 408, Request for Reasonable Accommodation form (Attachment #1), to fill out. Request forms can also be found in housing units and the institution library. Fill out the Request Section of the form, sign, and date it. If you need help filling out the request, ask a staff person. The Department shall provide appropriate auxiliary aids and/or services, including Qualified Sign Language Interpreters and writing assistance, to any incarcerated individual or civil commitment who cannot effectively complete the Department's reasonable accommodation process without such accommodations due to a disability. Your request will ordinarily be reviewed and responded to within twenty (20) business days after the staff member receives your request. You will receive the decision regarding your request in writing by the Institution ADA Coordinator.

How to Make a Complaint/Seek Review

If your request for accommodation is denied or modified by the Institution ADA Coordinator, or if you disagree with the decision, you have the right to file an appeal to the Department ADA Coordinator by completing the Appeal from Denial of Request for Reasonable Accommodation form, which any staff can give you, or which you can obtain in the library.

By signing below, you are stating that you have received your orientation and understand your rights under the ADA while in the custody and/or supervision of the Massachusetts Department of Correction.

☐ **<u>NO, I am not requesting an Accommodation at this time</u>. I have been provided the Telecommunication Aids and Services for Effective Communication form.**

Incarcerated Individual/Civil Commitment Name Printed	Commitment #
Incarcerated Individual/Civil Commitment Signature	Date

Institution:_____

Employee's Name Printed	Employee's Signature	Date

☐ **<u>YES, I am requesting Reasonable Accommodation at this time</u>.**

☐ **I have been given a Request for Reasonable Accommodation form to complete. I have been provided the Notice of Rights Under the Americans with Disabilities Act, a copy of 103 DOC 408, *Reasonable Accommodations* policy, and the Telecommunication Aids and Services for Effective Communication form.**

Incarcerated Individual/Civil Commitment Name Printed	Commitment #
Incarcerated Individual/Civil Commitment Signature	Date

Institution:_____

Employee's Name Printed	Employee's Signature	Date

CC: Institution ADA Coordinator
Incarcerated Individual's/Civil Commitment's ADA Record

Telecommunication Aids and Services for Effective Communication

Videophone, Video Relay Service (VRS), Teletypewriter Telephone (TTY), Captioned Telephone (CapTel), Telephone with Amplified Volume Control and Hearing Aid Compatible Telephone

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Videophone and Video Relay Service (VRS)

- Videophones are video devices for those who use sign language to communicate with others. Videophones can be used by incarcerated individuals and civil commitments who are Deaf and/or Hard of Hearing and whose primary or secondary language is American Sign Language (ASL) or another sign language.

- Incarcerated individuals and civil commitments can make direct videophone calls to effectively communicate with sign language speakers through point-to-point video communication.

- VRS is a telecommunications service that enables people who use sign language to communicate with voice telephone users by video through an interpreter.

- Incarcerated individuals and civil commitments can request this reasonable accommodation through the Reasonable Accommodation process in 103 DOC 408, *Reasonable Accommodations*, or through the Disability Accommodations Resources Assessment process.

- Telephones will be placed in accessible locations for incarcerated individuals and civil commitments with disabilities who have been granted access to Videophones.

- Posters on Placing a Direct and VRS call shall be available to view above all stationary Videophones and in the respective housing units.

Teletypewriter Telephone (TTY)



- TTY is a text-based telecommunication device that allows people to type messages back and forth, either through MA Relay Services or directly to another person with a TTY. TTY can be used by incarcerated individuals and civil commitments with disabilities who have the ability to type written messages.

- Incarcerated individuals and civil commitments can request this reasonable accommodation through the Reasonable Accommodation process in 103 DOC 408, *Reasonable Accommodations*, or through the Disability Accommodations Resources Assessment process.

- Telephones will be placed in accessible locations for incarcerated individuals and civil commitments with disabilities who have been granted access to TTY phones.

Telecommunication Aids and Services for Effective Communication (Cont.)

Videophone, Video Relay Service (VRS), Teletypewriter Telephone (TTY), Captioned Telephone (CapTel), Telephone with Amplified Volume Control and Hearing Aid Compatible Telephone

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Telephone hours of operation and accessibility need to be equal to that which is available to all incarcerated individuals and civil commitments in the Institution. Also, telephone calls utilizing Videophones, VRS, TTY and CapTel phones shall be afforded twice the amount of time to complete calls as is afforded to incarcerated individuals and civil commitments who complete telephone calls using traditional telephones, subject to operational or security concerns or administrative constraints (e.g., institution emergencies).

Captioned Telephone (CapTel)



- CapTel telephones are telephones that display real-time text captions throughout the conversation, allowing the user to both listen to the call and/or read the written captions.
- Incarcerated individuals and civil commitments can request this reasonable accommodation through the Reasonable Accommodation process in 103 DOC 408, *Reasonable Accommodations*, or through the Disability Accommodations Resources Assessment process.
- Telephones will be placed in accessible locations for incarcerated individuals and civil commitments with disabilities who have been granted access to CapTel telephones.

Traditional Telephones Adapted for Use by Deaf and Hard of Hearing

Telephone with Amplified Volume Controls

- Traditional telephones include a built-in volume button that allows the user to amplify the call volume.



The Department will, upon request, provide appropriate auxiliary aids and services to enhance communication for qualified incarcerated individuals and civil commitments with disabilities so that they may participate fully in programs and services. The Department will also provide other means of making communications accessible to incarcerated individuals and civil commitments who have speech, hearing, or vision impairments.

Supervisory staff on all shifts are trained on the location of the telephones, how to access the telephones, and how to properly utilize the equipment.

Disability Accommodation Resources Assessment
(TO BE COMPLETED BY THE INDIVIDUAL)

ALL INDIVIDUALS SHALL BE PROVIDED A COPY OF THE DISABILITY ACCOMMODATION RESOURCES ASSESSMENT INDEX OF TERMS AND A COPY OF THE TELECOMMUNICATION AIDS AND SERVICES FOR EFFECTIVE COMMUNICATION

Date: _____

Last Name:_____ **First Name:**_____ **Commitment No:**_____

Institution:

BPR ☐	LSH ☐	NCCI ☐	OCCC ☐	SBCC ☐
BSH ☐	MASAC @ PLY ☐	NECC ☐	POND ☐	SHI ☐
FRAM ☐	MTC ☐	NOR ☐		

Assessment Conducted By:_____

Do you need Auxiliary Aids/Services to complete this assessment? Yes ☐ No ☐

If Yes: Auxiliary Aids/Services:

Qualified Sign Language Interpreter	☐
CART Provider	☐
Written Communication	☐
Other:	☐

Do you know and use American Sign Language (ASL) as your primary method of communication? Yes ☐ No ☐

Do you have the ability to read and write? Yes ☐ No ☐

If Yes: Language(s) you can read/write:

English	☐	
Spanish	☐	
Other:	☐	

The Department provides the following communication, interpretation, translation, or transliteration Auxiliary Aids and Services which may benefit you for Effective Communication. Please review each Auxiliary Aid and Services and check off any Auxiliary Aid and Service you are requesting at this time:

☐	American Sign Language	☐	Transliterator	☐	Tactile American Sign Language
☐	Fingerspelling	☐	CART Provider	☐	Certified Deaf Interpreter
☐	Signed Exact English	☐	Oral Interpreter	☐	Pidgin Sign Language
☐	Other:				

Which describes you?

I am HARD-OF-HEARING	☐
I am DEAF	☐
I am BLIND	☐
None	☐

As such:

Right Ear	☐
Left Ear	☐
Both Ears	☐
Deaf-Blind	☐
Partially Blind	☐
Legally Blind	☐

Which clinical device(s) do you presently use and/or have been provided by Medical?

None ☐			
Hearing Aid(s) ☐	Right Ear ☐	Left Ear ☐	Both Ears ☐
Cochlear Implant(s) ☐	Right Ear ☐	Left Ear ☐	Both Ears ☐
Personal Sound Amplification Device (Pocket Talker) ☐			
Other: ☐			

Are you currently recommended for/issued hearing aid(s)? Yes ☐ No ☐

If No: Can you Effectively Communicate without a hearing aid? Yes ☐ No ☐

If Yes: Can you Effectively Communicate while wearing a hearing aid? Yes ☐ No ☐

The Department, through its contracted healthcare vendor, provides the following Auxiliary Aids which may benefit you for Effective Communication if clinically indicated. Please review each Auxiliary Aid and check off any you are requesting at this time, if not previously provided:

Hearing Aid(s) (Approved by Medical Only)	☐
Pocket Talker Device/Personal Sound Amplification Device (Approved by Medical Only)	☐

******Checked boxes for clinically indicated Auxiliary Aids and Services not currently provided to the individual requires a formal referral to Medical by the Institution ADA Coordinator or Designee. ******

TELECOMMUNICATION AIDS AND SERVICES

Can you Effectively Communicate on a traditional telephone with amplified volume controls within your housing unit? Yes ☐ No ☐ Sometimes ☐

Can you Effectively Communicate on a traditional telephone with hearing aid(s) and/or an amplification device such as a pocket talker within your housing unit?

Yes ☐ No ☐ Sometimes ☐ N/A ☐

The Department provides the following Telecommunication Aids and Services which will be explained and provided to you as they may benefit you for Effective Communication:

Do you request access to a **CapTel Captioned Telephone** for Effective Communication? ** No response requires the individual to review and sign a declination waiver of CapTel access.*	Yes ☐	No* ☐
Do you request access to a **TTY/TDD Teletypewriter** for Effective Communication?	Yes ☐	No ☐
Do you request access to a **Telephone with Amplified Volume Control** for Effective Communication?	Yes ☐	No ☐
Do you require access to a **Videophone** for Effective Communication? (Video phone access for individuals whose primary language is ASL only)	Yes ☐	No ☐

Do you require access to **Video Relay Services (VRS)** for Effective Communication? (VRS access for individuals whose primary language is ASL only)	Yes ☐	No ☐
Do you require access to **Braille TTY** for Effective Communication? (for Deaf/Blind individuals only)	Yes ☐	No ☐

NOTIFICATIONS

Can you understand announcements made verbally by staff and/or via a public address (PA) system?

Yes ☐ No ☐ Sometimes ☐

The Department provides the following Auxiliary Aids and Service for notifications which will be explained and provided to you as it may benefit you for Effective Communication:

Do you request access to an **MMCall Watch Pager (Or LRS Pager where still available)** for notifications and alerts for Effective Communication? **No response requires the individual to review and sign a declination waiver of MMCall Watch Pager access.*	Yes ☐	No* ☐
Do you request access to a **Vibrating Watch** for setting personal vibrating alerts for Effective Communication? ** No response requires the individual to review and sign a declination waiver of Vibrating Watch access.*	Yes ☐	No* ☐

The Department provides the following Auxiliary Aids and Services which may benefit you for Effective Communication. Please review each Auxiliary Aid and Service and check off any Auxiliary Aid and Service you are requesting at this time:

☐	Picture Flashcard(s)	☐	ID Sign for Room	☐	Block Letter Communicator (deaf/blind individuals only)
☐	ID Card or Badge	☐	Closed Captioned Video	☐	Talking Watch (blind/low vision individuals only)

The Department provides the following secondary Auxiliary Aids and Services which may benefit you for Effective Communication. Please review each Auxiliary Aid and Service and check off any Auxiliary Aid and Service you are requesting at this time:

☐	Face-to-Face Lip Reading	☐	Sound Amplification	☐	Large Print Materials (blind/low vision individuals only)
☐	Gestures	☐	Sign Language	☐	Written Communications
☐	No Noise Environment	☐	Writing Materials	☐	Braille Materials (blind/low vision individuals only)
☐	Slow Rate of Speech	☐	Nothing in or Obstructing the Mouth of a Person Speaking to You		

RESULTS OF ASSESSMENT

Results of Assessment:

Reasonable Accommodations Granted:

Reasonable Accommodations Denied:

Explanation of Denial/Partial Denial:

After receiving the results of this assessment, do you request a referral to Medical? Yes ☐ No ☐

Referred to Medical? Yes ☐ No ☐ **Date:**_____

Name of Institution ADA Representative Completing Form:_____

Title:_____

Date Incarcerated Individual/Civil Commitment Notified of Assessment Results:_____

☐ **Incarcerated Individual/Civil Commitment has been provided with an Appeal Form (Attachment #2). The Appeal Form for this process shall be submitted to the Institution ADA Coordinator who will then forward the Appeal Form to the Department ADA Coordinator for review and response.**

Disability Accommodation Resources Assessment
Index of Terms

Telecommunication Devices:

Braille TTY: A device that enables a deaf-blind person who reads braille to use the telephone. This device can also be used as a face-to-face communication device with which a deaf-blind person can communicate with a sighted individual who does not know braille.

CapTel (Captioned Telephone): A specialized telephone that permits verbal communication in the same manner as a traditional telephone and automatically connects to captioning service that transcribes the content of the conversation, which provides captains on the device's built-in screen.

Telephone with Amplified Volume Control: A telephone with a built-in volume button that allows the user to amplify the call volume.

Teletypewriter (TTY): A device which allows text communication over a telephone line designed for use by persons with a hearing disability.

Videophone: A telecommunication device with a camera and a screen that allows for visual, real-time communication.

Video Relay Services (VRS): A video telecommunication service that allows persons who are deaf or hard-of-hearing to communicate over video telephones and similar technologies with hearing person in real time, via a sign language interpreter.

Aids and Services:

Block Letter Communicator: A communication device for individuals who are deaf-blind and who do not know Braille to communicate with sighted individuals. When a sighted person types on the unit's keyboard, the characters are presented as extra-large tactile block letters which a deaf-blind individual can feel.

Closed Caption Video: Provides synchronized text of speech associated with a video, computer or television presentation.

Identification Card: Identifies the wearer as deaf, hard of hearing, blind, or visually impaired.

Identification Sign for Room: Identifies an occupant as deaf, hard of hearing, blind, or visually impaired.

MMCall Watch Pager: A small wearable visual and tactile device that can be used to alert or notify a deaf, hard of hearing, blind, visually impaired, or other disabled individual of emergency and non-emergency notifications by vibration and visual notification.

Picture Flashcard(s): These are visual aids that employ pictures to facilitate communication with deaf and hard of hearing individuals or other incarcerated individuals or civil commitments with a disability.

Pocket Talker Device: A small unit, about the size of a deck of cards, with an attached microphone that transmits sound signals to someone wearing earphones or earbuds.

Talking Watch: A watch that presents the time in spoken sound to assist a blind or visually impaired person: i.e., appointments, count time, etc.

Vibrating Watch: A watch that uses vibrations to enable a deaf or hard-of-hearing person to set reminder alerts; i.e. appointments, count time, etc.

Secondary Aids and Communication Accommodations:

Braille: A communication system that enables blind and/or deaf blind individuals to read and write through touch.

Face-To-Face Lip Reading: This is a form of speech reading that helps individuals with hearing loss to understand speech by watching the speaker's mouth and face.

Gestures: Non-verbal communications that add emphasis to spoken communication, i.e. facial expressions, body postures, hand movement, etc.

Large Print Materials: These are written materials which feature larger printing or font size.

No Noise Environment: Quiet environments enable hard of hearing individuals to better hear, understand, and/or concentrate.

Nothing in or Obstructing the Mouth of a Person Speaking to You: An unobstructed view of a speaker's mouth is necessary for deaf and hard of hearing individuals who read lips. It is important that the speaker faces the lip reader and does not have food and/or gum in his/her mouth while speaking.

Sign Language: A language that employs signs made with the hands and other movements, including facial expressions and postures of the body.

Slow Rate of Speech: Speaking slowly and clearly, but naturally, without shouting enable hard of hearing individuals to better hear and/or understand.

Sound Amplification: A means of increasing the volume of sound by natural means and/or devices, i.e. speaking loudly and/or using an assistive device.

Writing Materials: These may be helpful tools to facilitate short communications with some deaf and hard of hearing individuals.

Written Communications: Text-based communications such as traditional text, TTY/TDD devices, closed captioning features, etc.

Communication, Interpretation, Translation, and Transliteration:

American Sign Language Interpreter: American Sign Language (ASL) is the primary language of many North Americans who are deaf and hard of hearing. An ASL interpreter is specially trained to convert messages from ASL to spoken language.

CART Provider: Communication Access Real-time Translation (CART) is a service in which a certified CART provider listens to speech and instantaneously translates all the speech to text, which is then displayed on a monitor or mobile device.

Certified Deaf Interpreter: A Certified Deaf Interpreter (CDI) is a specialist who provides interpreting, translation, and transliteration services, utilizing American Sign Language and other visual and tactual communication forms used by individuals who are deaf, hard of hearing, and deaf-blind.

Fingerspelling: A form of sign language in which individual letters are formed by the fingers to spell out words.

Oral Interpreter: An individual who can transliterate spoken messages between a person who hears and a person who is deaf or hard of hearing. They possess the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard of hearing.

Pidgin Sign Language Interpreter: Pidgin Sign Language (PSE) is a combination of English and American Sign Language. A PSE interpreter is specially trained to convert messages from PSE to spoken language.

Signed Exact English Interpreter: Signed Exact English (SEE) is a system of language that matches sign language to the exact English translation. A SEE interpreter is specially trained to convert messages from SEE to spoken language.

Tactile American Sign Language: Primarily used by deaf-blind individuals, tactile sign language is a method of receiving sign language and/or fingerspelling by placing one's hands over a communication partner's hands to feel their shape and movement.

Transliterator: An individual who signs word-for-word; not to be confused with an interpreter who is an individual who signs an equivalent and conceptually correct sign for a spoken word, phrase, or sentence.

Video Remote Interpreting (VRI): Video remote interpreting (VRI) is a form of sign language interpreting that allows people who are deaf or hard of hearing to communicate with a hearing person at the same site via videoconferencing instead of live, on-site interpreting.