I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

As required by the Americans With Disabilities Act (ADA), each juvenile facility shall ensure that there is no unlawful discrimination against residents with disabilities and that no qualified resident with a disability is denied the opportunity for program participation, the provision of services, or other benefits solely on the basis of the resident’s disability. Opportunities for program participation, the provision of services, and other benefits shall be provided in the most integrated setting possible. All reasonable accommodations shall be made that do not impose undue financial or administrative burdens upon the facility.

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Procedure A: Qualified Residents with Disabilities, General

1. Qualified residents with disabilities shall be provided opportunities to participate in the programs, services, work plan, and activities available to residents without disabilities.

2. The facility shall make reasonable accommodations, as necessary, to ensure the participation of qualified residents with disabilities in programs, services, and activities at the facility.

3. Reasonable accommodations may include, but are not necessarily limited to:
   a. Making reasonable modifications to policies, procedures, or practices;
   b. Providing auxiliary aids and services to residents;
   c. Removing physical, communication, or transportation barriers; and
   d. Delivering services at alternative accessible sites.

4. Each facility shall ensure that staff and residents have access to an appropriately trained and qualified individual who is educated in the problems and challenges faced by residents with physical and/or mental impairments, programs designed to educate and assist disabled residents and all legal requirements for the protection of residents with disabilities.

5. Any resident who believes that he or she is a victim of discrimination prohibited by this policy or the ADA may use the facility grievance process or file a complaint with the Department of Corrections’ Affirmative Action Coordinator.

Procedure B: Specific Requirements

1. The facility shall eliminate eligibility requirements that deny residents with disabilities an opportunity to participate in its programs, services, or activities, unless those requirements are essential for the provision of the program, service, or activity.

2. The facility shall provide programs, services, and activities in an integrated setting, unless separate or different settings are necessary to ensure equal opportunity.

3. The facility shall not provide programs or services to residents with disabilities that are separate or different from those provided to residents without disabilities, unless they are necessary to ensure that residents with disabilities have equal opportunities to participate in the facility’s programs, services, or activities.
4. The facility shall ensure that qualified residents with disabilities are not excluded from services, programs, or activities because buildings or parts of buildings are inaccessible or there are other physical barriers.

5. The facility shall meet the educational and vocational needs of residents who require special placement because of physical, mental, emotional or learning disabilities.

6. The facility shall maintain in operable working condition all features of the facility and equipment required for qualified residents with disabilities.

7. The facility shall maintain accessible routes in a manner that enables qualified residents with disabilities to use them.

8. The facility shall ensure effective communication with residents with communication disabilities and, if necessary, provide appropriate auxiliary aids and services for communication.

9. Each facility shall ensure that residents have access to an appropriately trained individual who can assist residents who cannot otherwise perform basic life functions.

10. Each facility shall ensure the availability of education, equipment, facilities, and the support necessary for residents to perform self-care and personal hygiene in a reasonably private environment.

11. The facility shall provide housing for residents with disabilities that is designed for their use and provides for integration with other residents.

Procedure C: Evaluation and Training

1. Each facility shall periodically (at least annually) evaluate its current programs, services, policies, procedures, practices, and training and make modifications, as needed and as reasonable, to comply with the above requirements.

2. Each facility shall provide training to staff on the ADA, on effectively and sensitively dealing with residents with disabilities, and on ways to integrate qualified residents with disabilities into the programs, services, and activities of the facility.

Procedure D: Staff Responsibilities

1. Staff shall provide residents with disabilities information to familiarize them with accessibility to buildings and to programs, services, activities, and other benefits for which they are qualified.
2. Staff shall make reasonable modifications to practices, remove barriers, and provide auxiliary aids and services to afford qualified residents with disabilities an opportunity to participate in programs, services, and activities.

3. Staff shall make reasonable modifications regarding the location of aids, materials, and equipment in order to improve accessibility to qualified residents with disabilities.

Procedure E: Juvenile Program Manager Responsibilities

1. Juvenile Program Managers shall monitor the implementation of and compliance with this policy for residents with disabilities in their housing units.

2. Juvenile Program Managers shall be responsible to inform residents with disabilities in their housing units of the availability of the grievance and ADA complaint processes.

VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-3A-03 Juveniles are not subjected to discrimination based on race, religion, national origin, gender, sexual orientation, disability, or political views.

4-JCF-3A-04 There is equal access to programs and services for male and female juveniles.

4-JCF-5B-03 Single-occupancy rooms shall be available, when indicated, for the following:

   1. Juveniles with severe medical disabilities
   2. Juveniles suffering from serious mental illness
   3. Sexual predators
   4. Juveniles likely to be exploited or victimized by others
   5. Juveniles who have other special needs for single housing

4-JCF-5B-05 Juveniles with disabilities are provided with the following:

   1. Housing that provides for their safety and security
   2. Rooms or housing units designed for their use that provide for integration with other juveniles
   3. Programs and services that are modified and/or specifically accessible to them
   4. Staff members who are appropriately trained to assist juveniles who cannot otherwise perform basic life functions
   5. Education, equipment, facilities, and the support necessary to perform self-care and personal hygiene in a reasonably private environment

4-JCF-5H-02 The juvenile work plan provides for employment for juveniles with disabilities.