



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

July 6, 2023

VIA CERTIFIED U.S. MAIL & E-MAIL

Cecely Reardon
Acting Commissioner
Massachusetts Department of Youth Services
600 Washington Street
4th Floor
Boston, MA 02111

**Re: Compliance Review of the Mass. Dep't of Youth Serv. (17-OCR-0795)
*Compliance Review Report***

Dear Commissioner Reardon:

I am writing to notify you of the closure of the Compliance Review that the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) conducted of the Massachusetts Department of Youth Services (DYS). This Compliance Review examined the policies and practices of DHS in order to analyze DHS' compliance with its obligation to serve the needs of youth with disabilities¹ in confinement. The broad scope of this review allowed the OCR to assess whether DHS is compliant with federal law on a variety of disability-related factors, including special education services, discipline, and physical accessibility.

The OCR is responsible for ensuring that recipients of federal financial assistance from the Office of Community Oriented Policing Services, the Office on Violence Against Women, the OJP, and OJP components comply with applicable federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 (ADA). These laws prohibit entities, including juvenile correctional agencies that receive federal financial assistance, from discriminating against program participants based on disability.

In accordance with its civil rights enforcement responsibilities and the governing federal regulations, the OCR notified DHS, which is a public entity covered by the ADA and a recipient of financial assistance from the DOJ² under Section 504, of this Compliance Review to evaluate

¹ The term "disability" refers to a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment. 42 U.S.C. § 12102 (2009).

² See Award No. 2016-CZ-BX-0007 (\$413,598) (Oct. 1, 2016 – Sept. 30, 2019), Award No. 2019-CZ-BX-0017 (\$775,775) (Oct. 1, 2019 – Sept. 30, 2023).

its juvenile justice program.³ The OCR selected DYS as the subject of a compliance review based on several factors, including the amount of federal financial assistance awarded to DYS, as well as the data collected by the DOJ and other federal agencies on the state's juvenile population and the percentage of youth with disabilities.

The OCR has completed the Compliance Review of DYS and has concluded that DYS policies and practices regarding students with disabilities are generally consistent with the requirements of the ADA and Section 504. Of note, DYS has taken several steps to ensure that youth in confinement obtain equal educational opportunities, among them: (1) doubling the frequency for obtaining educational records in order to provide better educational support to youth with disabilities; (2) developing agreements with other stakeholders to provide intensive mental health services to youth in need of supplemental mental health services; and (3) partnering with the Parent Professional Advocacy League to empower and educate parents on how to advocate for their children with disabilities as well as to encourage feedback regarding youth's accommodations.

However, the OCR also notes some areas where DYS could continue or improve its service of youth with disabilities. While DYS is generally in compliance, this Compliance Review Report (Report) contains recommendations for DYS to improve serving the needs of youth with disabilities in confinement. Specifically, the OCR recommends that DYS (1) adopt a policy on ADA and Section 504 accommodations, (2) collect and analyze data pertaining to youth with disabilities, (3) limit the practice of prone positioning, (4) enhance incident reporting procedures, (5) continue its efforts to decrease the delay in obtaining educational records from the local educational agency (LEA), (6) enhance the sharing of information with other education components within Massachusetts' government, and (7) ensure that all of its facilities are ADA accessible. These recommendations are set forth in more detail below.

In preparing this Report, the OCR relied on information that DYS provided in response to the OCR's data requests, which included relevant DYS written policies and procedures, along with information available on the DYS public website.⁴ Additionally, the OCR conducted a comprehensive onsite visit,⁵ several telephonic conferences, and an in-person meeting with DYS

³ 28 C.F.R. §§ 35.172, 42.530.

⁴ DEPARTMENT OF YOUTH SERVICES, <https://www.mass.gov/orgs/department-of-youth-services> (last visited Jan. 26, 2023).

⁵ The OCR toured 22 of the 51 Residential Programs run by DYS. The observed facilities include Westfield Detention Center Units B/C and Stabilization Unit; Community Adolescent Treatment Program Center for Human Development; CHD Assessment Program; Center for Human Development; Brockton Boys Shelter Care Detention; Brockton Girls Secure Detention; Goss I, II, III; Northeast Detention Program; Lakeside Detention; Carbone Hall; Eliot Boys Assessment Unit; Eliot Treatment Center; Detention Center - Eliot Community Human Services; Metro Pre Trial Detention Unit; Paul T Leahy Center; Harvard House; Spectrum Girls Detention Center; Sharp Transition Revocation Unit. The OCR selected facilities to visit based on geographic diversity, security level, population size, and gender diversity. The OCR did not visit DYS' alternative lock up programs where youth arrested after court hours are held for transport on the next court day. Nor did the OCR visit community-based group homes or independent living facilities where youth may come and go to school or jobs.

staff and leadership. This final Report incorporates comments and feedback that DYS provided to the OCR on a prior draft. The OCR's findings and recommendations are set forth below.

I. Organizational Structure of DYS

DYS is the juvenile justice agency for the Commonwealth of Massachusetts. Dividing Massachusetts geographically into five regions, DYS operates forty-eight residential programs ranging in security levels with twenty-two district offices located in each region to provide comprehensive supervision and support to DYS youth. Of these forty-eight residential programs, thirty-five are operated by DYS service providers, who are under contract with DYS, and the remainder are operated by DYS. DYS is led by a commissioner who is appointed by the Governor.⁶

Youth for which DYS is responsible fall into two broad categories: "detained youth" and "committed youth." Generally, detained youth are those youth arrested and ineligible for pretrial release, including youth unable to post bail. DYS reports its average length of stay for a detained youth at thirty-four days, but youth could stay for as little as a few hours prior to posting bail. Committed youth are generally placed in the custody of DYS after adjudication by a court as either delinquent youth or youthful offenders.

Unlike many juvenile justice agencies within the United States, DYS is not a local education authority⁷ and does not consider itself an "educational placement" at all. Massachusetts has a complex system for providing educational services to youth in DYS' custody. According to Massachusetts law, DYS is responsible for providing the general education program for all youth in its care.⁸ The Department of Elementary and Secondary Education (DESE), through the Special Education in Institutional Settings (SEIS) program, provides instructional services for students identified as having a disability and requiring special education by way of a contract with the Collaborative for Educational Services (CES).⁹

DYS utilizes three information systems to manage student information in a coordinated way throughout its service of youth in its care and custody. The Juvenile Justice Enterprise Management System (JJEMS) is a case management system used and operated by DYS, which includes information about the youth's time in custody with DYS, beginning with their entry until their exit from the juvenile justice system. DESE utilizes the Student Information Management System (SIMS), which has information about the identification of special

⁶ The current Acting Commissioner, Ceceley Reardon, was appointed on January 1, 2022.

⁷ A "local education authority" is a public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public schools that is recognized in a state as an administrative agency for its public elementary schools. 20 U.S.C. § 7801(30)(A).

⁸ MASS. GEN. LAWS ch. 18A, §§ 2, 7.

⁹ In accordance with Massachusetts General Laws, DESE runs SEIS. MASS. GEN. LAWS ch. 71B, § 12; 603 MASS. CODE REGS. 28.06(9) (2022). DESE provides licensed special educational teachers who teach special education curriculum to eligible DYS youth. DESE, not DYS, hires the special educational teachers. DYS works with DESE to ensure that special education services are provided.

education-eligible DYS students and implementation of any Individualized Educational Program (IEP) of such students.¹⁰ ASPEN, a shared student information management system, is the main database for student records and is used by CES.

II. Relevant Legal Obligations

Under the ADA, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity.”¹¹ Section 504 provides that, “[n]o otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”¹² A qualified individual with a disability is:

an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.¹³

Section 504 and ADA require that incarcerated individuals with disabilities have equal access to educational programs.¹⁴ Correctional institutions grant equal access by providing reasonable

¹⁰ An IEP plan “guides the delivery of special education supports and services for students with a disability.” See U.S. DEP’T OF ED., *A Guide to the Individualized Education Program*, <https://www2.ed.gov/parents/needs/speced/iepguide/index.html> (2019). The OCR is not granted the authority to enforce U.S. Department of Education (ED) regulations. A youth with a disability who attends public school, including when he or she is in the custody of DYS, is entitled to services and accommodations that enable him or her to receive the same access to education as youth without disabilities. Federal law requires that students be provided IEPs or a Section 504 Plan to assist youth with disabilities. Although the OCR is not making any findings under ED regulations, DYS is reminded of these obligations. The OCR observed instances where it appeared that the procedural requirements of the IDEA were not met. For example, related services did not appear to be provided in DYS educational facilities. Related services are services required under the IDEA for youth with disabilities and include, but is not limited to, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. See 20 U.S.C. § 1401(26).

¹¹ 42 U.S.C. § 12132 (2012). In *Penn. Dep’t of Corrs. v. Yeskey*, 524 U.S. 206 (1998), the Supreme Court explicitly held that Title II of the ADA applies to prisoners in state correctional facilities. The DOJ’s 2010 Title II regulations codified this principle at 28 C.F.R. § 35.152 (2014), which contains the Title II requirements for “[j]ails, detention and correctional facilities, and community correctional facilities.”

¹² 29 U.S.C. § 794(a) (2012). The phrase “program or activity” includes all of the operations of a department, agency, special purpose district, or other instrumentality of a state or local government. *Id.* at § 794(b)(1)(A). Therefore, the requirements of Section 504 are applicable to individuals with disabilities located in correctional facilities. See, e.g., *Yeskey v. Pa. Dep’t of Corrs.*, 118 F.3d 168 (3d Cir. 1997) (finding Section 504 is applicable to state prisons), *aff’d on other grounds*, 524 U.S. 206 (1998).

¹³ 42 U.S.C. § 12131(2); see also 28 C.F.R. 42.540 (1).

¹⁴ See 28 C.F.R. app. A § 35 (“Correctional and detention facilities commonly provide a variety of different programs for education, training, counseling, or other purposes related to rehabilitation. . . . [I]t is critical that public

program modifications for individuals with disabilities so that they may participate in any program to the same extent as their nondisabled peers.¹⁵ Youth must also be able to participate in educational programs “in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”¹⁶ Recipients are also required to maintain and furnish such records necessary for the Department to determine compliance with ADA and Section 504 implementing regulations.¹⁷ Moreover, recipients may not contractually or through other arrangements, utilize criteria or methods of administration to provide programs that have the effect of subjecting individuals to discrimination because of their disability or have the effect of defeating or substantially impairing the accomplishment of the objectives of the program because of the their disability.¹⁸

III. Policies and Procedures Related to Serving Youth with Disabilities

To evaluate whether DYS is in compliance with its obligations under Section 504 and the ADA, the OCR thoroughly examined its entire operation, beginning with its policies, procedures, and practices. This section shall first focus on general DYS policies and then concentrate on DYS policies specific to educating its youth.

A. Disability Policies Generally

At the outset of the OCR’s review, DYS did not have a written policy that explains the rights and responsibilities of youth with disabilities, the process for a youth or an advocate of the youth to request an ADA or Section 504 accommodation, or a designated person or office responsible for addressing ADA or Section 504 accommodation requests.¹⁹ Youth with disabilities who are

entities provide these opportunities to inmates with disabilities. In proposed § 35.152, the DOJ sought to clarify that ADA required equal access for inmates with disabilities to participate in programs offered to inmates without disabilities.” See also *Stevens v. Harper*, 213 F.R.D. 358, 374-75 (E.D. Cal. 2002) (court inferred plaintiffs were claiming that they were unable to participate in educational programs because of the alleged failure of the correctional institution to properly accommodate their disabilities and allowed Section 504 and ADA claims to stand); *Clark v. State*, No. C96-1486-FMS, 1996 WL 628221, 6-7 (N.D. Cal. Oct. 1, 1996) (developmentally disabled state prisoners stated ADA claim when they were denied access to and benefits of education solely because of their disabilities), *aff’d on other grounds*, 123 F.3d 1267 (9th Cir. 1997); *Alexander S. v. Boyd*, 876 F. Supp. 773, 788 (D.S.C. 1995) (maintaining a Section 504 action for youth in custody with disabilities who could not access education because of their disabilities).

¹⁵ 28 C.F.R. § 35.130(b)(7)(i) (“A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.”).

¹⁶ 28 C.F.R. §§ 35.130(d), 41.51(d), and 42.530(a).

¹⁷ 28 C.F.R. §§ 42.530(a) and 42.106(b).

¹⁸ 28 C.F.R. §§ 42.530(a) and 42.104(b)(2); 28 C.F.R. § 35.130(b)(1).

¹⁹ Any disability policy should include access to the services and programs mandated by the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (IDEA). For example, it does not appear possible for an accommodation request to occur in either a school setting or program setting. It is unclear how a youth with a disability, who did not already have an IEP but needed a program modification to participate in class or in a Dialectal Behavior Therapy group, would request a modification or how staff would respond to such a request.

incarcerated in juvenile justice facilities, as well as their parent, guardian, or other primary caregiver²⁰, have the right to request reasonable modifications to policies and practices. To ensure these parties are aware of their rights and how to request an accommodation, DYS should have a written policy for youth with disabilities in its custody. The policy should explain the rights to reasonable modifications to DYS policies and practices, complete with procedures to request, devise, and publish to youth, parents, and staff so they are made aware of the policy and its contents.

During its site visit, the OCR's interactions with DYS' staff underscored the need for written, disseminated ADA and Section 504 policies. For example, some DYS staff were unable to tell OCR investigators how they would make a request to accommodate a youth with a disability.²¹ At Northeast Detention, staff were unable to articulate how they would obtain the services of an interpreter, if they encountered a youth or parent who communicated using American Sign Language.

The OCR notified DYS about the importance of having an ADA and Section 504 policy and DYS was receptive to addressing this issue. Since DYS met with the OCR, DYS Assistant Commissioner, DYS Director of Educational Services, and CES leadership met with DYS Counsel and adopted a formal nondiscrimination policy and guidelines for identifying and implementing its obligations; modified its internal systems to better track and record its 504 processes; and designated a Statewide 504 Coordinator and five Regional 504 Coordinators. DYS informed the OCR that the DYS Statewide 504 Coordinator, who is different from the ADA Coordinator, and DYS' General Counsel's Office will respond to all ADA claims initiated by youth and their families.

DYS' newly adopted policy, "Prohibition of Harassment and Discrimination Against Youth", formally and expressly prohibits the discrimination of its youth based on disability and that DYS will "provide[] an accommodation where required, including a Section 504 plan, to make services, education, and activities accessible . . ." ²² The new policy also emphasizes that "DYS shall post notices and provide written materials to youth, their parent(s), or guardian(s) of the right to and the process for requesting a 504 Plan and accommodation for a youth's disability."²³ In the "MA DYS Guidelines for Servicing Youth with Disabilities under Section 504", DYS further expresses its commitment to provide accommodations for qualified persons with disabilities so they can participate equally in DYS programs, services, and activities.²⁴ These

²⁰ Hereinafter, this Report will refer to parent, guardian, or any other primary caregiver simply as "parent" but in no way wants to disregard or minimize the importance of all caregivers in a youth's life.

²¹ In addition to DYS not having a written ADA or Section 504 policy at the time of our onsite visits, the OCR did not observe any signage or other information at DYS facilities informing the youth or their families about their ADA or Section 504 rights and how to make an accommodation request. Further, there did not appear to be any information about the ADA or Section 504 rights in the staff training modules. Finally, the OCR found no evidence of youth making ADA or Section 504 accommodation requests to programming or classroom activities.

²² Prohibition of Harassment and Discrimination Against Youth, DYS, Policy No. 03.04.09(a), at 2 (Mar. 2, 2023).

²³ *Id.* at § C(5), p. 5.

²⁴ MA DYS Guidelines for Servicing Youth with Disabilities under Section 504, DYS (Mar. 2, 2023).

Guidelines also provide more details on the review process for developing and implementing 504 Plan, addressing one of OCR's initial concerns.

Recommendation #1: Additional Considerations to DYS' new ADA and Section 504 Policies and Procedures

As stated above, DYS has recently adopted a formal policy and guidelines to address its obligations under the ADA and Section 504. The OCR recommends that DYS monitor its implementation to ensure ongoing compliance.²⁵ DYS' should also ensure the following:

- That the process to request an "accommodation for a youth's disability," as referenced at § C(5) of the new policy, is clearly shared with the public and successfully captures disability accommodation requests unrelated to educational programs and services that are specific to the 504 Plan process.²⁶
- That the public notice on how to report complaints that a DYS service or activity is not accessible to persons with disabilities provide the contact information, including the name, office address, and telephone number, of the Statewide 504 Coordinator and General Counsel's Office.²⁷
- DYS will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing an accommodation or reasonable modifications of policy.

The policy should be posted on signs of conspicuous size, printed and readily available upon request, and included in facility handbooks and on DYS' website.²⁸ Finally, DYS should incorporate a requirement for DYS employee training regarding the policy and on DYS' obligations to confined youth with disabilities under the ADA and Section 504. Training of staff on the ADA and Section 504 should also be conducted annually, with new employees trained appropriately as they are hired and on-boarded.

B. Reporting and Analyzing Use of Prone Positioning and Other Uses of Force

The ADA and Section 504 also require DYS to ensure that youth with disabilities are not subjected to punitive measures because of their disabilities.²⁹ The OCR examined policies and practices regarding the use of physical restraints and force, and DYS' monitoring of such activities, to determine if they are consistent with the requirements of ADA and Section 504. The OCR notes that DYS practices prone positioning as a means for controlling a noncompliant youth.

²⁵ 28 C.F.R. § 35.130 (b)(7)(i).

²⁶ 28 C.F.R. §§ 35.106-.107.

²⁷ 28 C.F.R. § 35.107(a).

²⁸ 28 C.F.R. § 35.106.

²⁹ See 28 C.F.R. § 35.130 and 42.503.

The use of physical restraint on a youth that is in the prone position is authorized in DYS Policy “Restraints and Use of Force in Residential and Community Placement.” The policy defines prone positioning as a “non-mechanical behavior management technique involving the use of a physical hold as a means of restricting a youth’s freedom of movement.”³⁰ Further, “[p]hysical restraints include a youth being held in a standing, seated, or temporary prone position as a secondary means for handcuffing.”³¹ DYS policy also states that physical restraints including in the prone position should be limited to situations where the “the youth’s actions demonstrate youth poses an imminent danger to self or others”³² DYS requires staff to monitor the youth for asphyxia and suggests twice that youth should be moved out of the prone position as quickly as possible.³³ Prior iterations of the Restraints policy explicitly limited having a youth in the prone position for no longer than 5 minutes.³⁴ However, the current policy appears to have removed the time limit, choosing instead to leave it to the employees to decide when to release a youth from the prone position as quickly and as safely possible.

Current medical literature shows that restraining a person prone is extremely hazardous and may be deadly.³⁵ Even DYS recognizes prone restraint is an incredibly risky and potentially lethal tactic that can lead to asphyxia.³⁶

The OCR investigation revealed that correctional officers who have restrained youth through prone positioning often did not know whether the youth had a triggering disability that caused the disruptive behavior because this information was not generally available to any of the staff. While this information is readily available in ASPEN, it is typically not made available to the correctional staff charged with conducting the prone positioning. Consequently, DYS may be subjecting disabled youth to prone positioning without ever considering whether a reasonable modification to its restraint and use of force policy was in order.

Additionally, during its site visit, the OCR also observed inconsistent incident reporting and found that not all incidents involving restraint were recorded and filed pursuant to DYS’ own policy. Successful compliance with the ADA and Section 504 involves reviewing incident reporting to ensure that youth are not discriminated against because of their disability. Thus, it is important for DYS to ensure that its incident reporting is consistent throughout its programs.

³⁰ Restraints and Use of Force in Residential and Community Placement, DYS, Policy No. 03.02.08(f) at 2 (Feb. 14, 2020).

³¹ *Id.*

³² *See id.* at 1.

³³ *See id.* at 5, par. 8 (“[S]taff will ensure youth is safe, monitor the youth closely for positional asphyxia, and use judgment to assess the youth’s physical or mental status moving the youth out of the prone position as quickly as it is safely possible.”); *also see id.* par. 10 (“To move youth out of the temporary prone as soon as possible, both staff will roll the youth over and into the seated position.”).

³⁴ Restraints and Use of Force in Residential and Community Placement, DYS, Policy No. 03.02.08(e) at 5 (Jan. 17, 2014).

³⁵ The Lethal Hazard of Prone Restraint: Positional Asphyxiation, PAI (2002): <https://www.disabilityrightsca.org/system/files?file=file-attachments/701801.pdf>.

³⁶ Restraints and Use of Force in Residential and Community Placement, *supra* note 24 at 2 and 5.

Recommendation #2: Limit or End Prone Positioning

The OCR recommends that DYS further limits, or considers eliminating, the practice of prone positioning of its youth.³⁷ In the event, DYS seeks to continue its prone positioning practice, it should develop a means to inform program staff about youth with disabilities who may be engaging in disability-related behaviors and devise modifications to its prone positioning policy where appropriate, including modification in a manner consistent with 504 plans.³⁸ DYS should ensure that its staff are aware of youth who have specific medical conditions such as, for example, respiratory issues or intellectual disabilities, to avoid significant harm. Each DYS facility should identify whether a youth has a disability in order to determine the suitability and appropriateness of using prone positioning. Finally, DYS should continue to document its use of prone positioning and regularly reevaluate its efficacy and value of its use in its programs.

Recommendation #3 Enhance Incident Reporting Procedures

The OCR recommends that DYS enhance its incident reporting procedures and continue to implement them across their facilities. A helpful tool for the prevention of discrimination is to monitor and review incident reporting by program staff. Incident reporting includes, but is not limited to, any electronic reporting of incidents as required by DYS recordkeeping policies, as well as paper complaints that youth or a parent may provide to DYS staff. Such reviews of incident reporting should occur routinely and should include an assessment of any complaints about and recommendations for ADA and Section 504 compliance. The collection and evaluation of such data will help DYS to identify potential areas of non-compliance with the ADA and Section 504. If such noncompliance is suspected, DYS can make changes to its programs, engage in re-training of its program staff, and amend policies and procedures as necessary to ensure compliance.

Incidents that involve the use of restraints or the use of force should also be documented when it occurs within the provision of educational services. Such information will allow DYS, DESE, and the home district to evaluate whether the current IEP or 504 Plan adequately meets the student's needs or if the youth is being denied a free appropriate public education (FAPE).³⁹ Aggregating and regularly analyzing data is a critical reporting tool DYS can implement to identify problems and patterns in its use of restraints, force, and type of force used. Specifically, the OCR recommends DYS collect and analyze the number of and type of restraints, incidents,

³⁷ DOJ NATIONAL INSTITUTE OF JUSTICE, *Positional Asphyxia: Sudden Death* (1995), <https://www.ojp.gov/pdffiles/posasph.pdf>; AMERICAN BAR ASSOCIATION, *ABA Standards for Criminal Justice: Treatment of Prisoners* 143 (2011), https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/treatment_of_prisoners.pdf (advising that “Correctional authorities should not hog-tie prisoners or restrain them in a fetal or prone position.”).

³⁸ U.S. DEP'T OF ED., *Dear Colleague Letter: Restraint Seclusion of Students with Disabilities* 16 (2016), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>.

³⁹ FAPE is required under both Section 504, 29 U.S.C. § 794, and IDEA, 20 U.S.C. § 1400.

room confinement (including duration)⁴⁰; and other forms of significant discipline for each facility. This data analysis is critical to determining if a youth should be referred for additional evaluation. An excessive use of restraints may indicate an undiagnosed disability or ineffective accommodations for a disability.

C. Parent and Family Involvement

The protections of the ADA and Section 504 also extend to the parents of committed or detained youth, and other interested adults, and require DYS to ensure that its programs and activities are accessible to them. Participation from parents or other interested adults play a vital role in properly serving youth with disabilities, including identifying and requesting necessary accommodations. Parents are in many cases, although not all, the best sources of information on a child's disability-related needs. For some parents, participation would increase if there were less physical and programmatic barriers. Parents may be necessary to ensure that youth with disabilities get prescriptions and medical information to staff immediately when the youth is detained. For example, DYS staff informed the OCR that youth have gone without medication because of delays in obtaining parent contact information from other parts of DYS upon intake. Ensuring access and communication to parents is generally important but also critical for youth with disabilities.⁴¹

One important way that DYS has sought to engage parents is with its partnership with the Parent/Professional Advocacy League (PPAL).⁴² DYS works with PPAL to empower and educate parents on how to advocate for children with disabilities. The PPAL describes itself as “a statewide, grassroots family organization that advocates for improved mental health services for children, youth and their families.”⁴³ DYS works alongside PPAL to participate in the dialogue, through regularly scheduled meetings, about providing quality special education services for its youth. DYS solicits and receives feedback from PPAL about how to improve, among other things, its disability-related educational services. This is a good example of the

⁴⁰ OCR attorneys were shown a padded room at the Goss III facility, which according to staff is utilized for suicide watch. *See* 109 MASS. CODE REGS. 5.

⁴¹ During the OCR's site visit, DYS staff shared instances where there were language access barriers with parents such that youth were forced to interpret between DYS staff and their parents. This practiced is discouraged for youth, both with and without disabilities, in custody and out, because it risks denying their parents effective communication. Although not part of this compliance review, the OCR notes that Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, prohibits national origin discrimination, which includes discrimination against limited English proficient individuals on the basis of language. *See Lau v. Nichols*, 414 U.S. 563 (1974).

⁴² DYS may have other family involvement programs that could support youth with disabilities. For example, it contracts with providers to employ five (5) Family Engagement Specialists, one per region, who constitute part of a Community Service Network Team (CSNT) that “considers a youth's specific risk factors and develops specific types of interventions and prosocial options aimed at enhancing a youth's protective factors.” Letter from Commissioner Peter Forbes to Director Michael Alston at 10 (Dec. 9, 2020). DYS further explains that the CSNT “focuses on connecting youth and families to these services in off-site community settings” *See id.* The CSNT may serve as another means for assessing and communicating the needs of youth with disabilities.

⁴³ *See* Parent/Professional Advocacy League website at <https://ppal.net/who-we-are/about-us>.

work that DYS has done to create open lines of communication with the communities that it serves.

IV. Educational Access of Youth with Disabilities

The complexities of DYS systems for coordinating the educational needs of its youth can pose a challenge to the provision of educational and other services to youth with disabilities. The OCR acknowledges that DYS is somewhat stymied by the structural challenges of its educational program, which are the result of Massachusetts law. Much of the responsibility for a particular youth's special educational needs are maintained by that youth's home school district, even while the youth is in custody. According to Massachusetts law, the procedural requirements of establishing and maintaining a youth's IEP remain with the home school district, requiring SEIS staff to liaison with those districts on all matters requiring their input or action. Notably, if a youth's IEP calls for services that SEIS determines it cannot provide, the home school district is required to arrange for and fund such services. DYS' responsibilities in coordinating all of these moving parts are critical to achieving compliance with Section 504 and the ADA.

DYS works collaboratively with a variety of governmental and nongovernmental agencies in order to serve youth with disabilities in their custody. During its compliance review, DYS shared numerous policies and procedures governing this collaborative approach to youth services with the OCR. As a primary coordinating document, DYS and DESE have a Memorandum of Understanding for Data Sharing. This Memorandum notes that, "Youth residing in DYS facilities for non-educational reasons have the right to receive and benefit from the same educational opportunities that are available to youth who are not in DYS custody."⁴⁴ Its stated purpose is to provide data sharing between a variety of databases. The information shared "will be used by educators in DYS facilities to communicate with school districts about the youths' progress and to coordinate educational services for youth in DYS facilities."⁴⁵

DYS and DESE also have a process more specifically tailored to the coordination of special education services memorialized in a document named the "Agency Coordination Process for DYS Youth Eligible for Special Education Detention and Commitment." This document lays out procedures for how DYS identifies youth with IEPs and how it obtains their related special education records. The document tangibly and specifically lays out the processes for obtaining student records, including special education records such as IEPs and communicating special education status for both detained and committed youth. The process for committed youth goes further to lay out the distribution of student records to relevant DYS and SEIS staff, coordination with the student's treatment program, and, importantly, procedures relating to (a) a determination that IEP services cannot be provided in the youth's current placement and (b) issues with missing records or IEPs that are unsigned or expired.

⁴⁴ Memorandum of Understanding between the Mass. Dep't of Ed. And the Mass. Dep't of Youth Servs. For Data Share, p. 1 (2007).

⁴⁵ *Id.*

DYS and DESE work collaboratively to incorporate special education services into the daily operations of DYS general education program and to support students with disabilities' access to the general curriculum. Special education instructional services are generally managed at the regional level and detention site and are supervised by SEIS administrative staff. SEIS teachers are assigned to DYS programs based upon the numbers of students with an IEP in each program and the types of services identified in their IEPs. In DYS facilities, special education instructional services are primarily provided in an inclusionary model, supported by co-planning and varied co-teaching approaches. Pull-out services are provided as indicated by individual student needs.

DYS also has a "Protocol for Student Support Team Process in DYS." This protocol addresses "the intent of IDEA's 'child find' and state regulations that require identifying students who may need additional educational services but did not previously receive them in their home schools. As part of its broader assessment process for youth committed to DYS custody, DYS administers educational testing, which is yet another way DYS could affirmatively identify students requiring additional educational services due to disability. If so identified, the students are referred by staff to a Student Support Team (SST) for additional consideration. DYS protocol contemplates that additional classroom observation may be appropriate.

Even with this structure, the youth's home school district, continues to be responsible for ensuring that educational services are tailored to meet the needs of disabled students.⁴⁶ If a student is identified as requiring special education services, their home school district is notified to develop goals, accommodations, and services. The home school district is obligated to coordinate with SEIS to ensure that students receive special education services as required by the ADA and Section 504.⁴⁷ The home school district must also coordinate with SEIS to ensure students receive an annual review and necessary evaluations. However, DYS is not relieved of its obligations to ensure programs and services related to education are in compliance with the ADA and Section 504 and do not discriminate against youth with disabilities just because the student is being served by the Department of Elementary and Secondary Education or any other state agency.⁴⁸

SEIS provides instructional staff to DYS educational programs based on the number of students with IEPs in each program and the types of services required by those IEPs. Students requiring special education services are educated in co-educational environments unless their IEP requires otherwise. SEIS also provides Education Team Leaders (ETLs) to serve as liaisons with school districts regarding all required special education related matters. ETLs maintain student special education records while youth are in the custody of DYS, assist in the scheduling of and attend annual review meetings, and monitor progress reporting. They maintain a collaborative working

⁴⁶ 603 MASS. CODE REGS. 28.10 (3)(c) (2022).

⁴⁷ During the site visit, the OCR reviewed SEIS letters sent to districts to request special education records, to inform a district of unsigned or outdated IEPs and district responsibility in that regard, and to inform a district of their responsibility for ensuring that certain special education services are provided for a student.

⁴⁸ 28 C.F.R. §§ 35.130(b)(1) and 42.503(b)(1).

relationship with DYS Education and Career Counselors (ECCs) who have a somewhat similar role in the general education program and are also responsible for student transition to the community.

Section 504 and the ADA require incarcerated youth with disabilities have equal access to educational programs. DYS must grant equal access by providing reasonable program modifications for youth with disabilities so that they may participate in educational programs to the same extent as their nondisabled peers. Students receiving educational programming from DYS and its partner agencies must be able to participate in educational programs in the most integrated setting appropriate to their needs. In determining DYS' compliance with 504 and the ADA, the OCR examined the structure of the multi-agency effort to provide educational programming to students in DYS custody from broader considerations around coordinating and information sharing to the more individualized considerations of the classroom and services provided to individual students.

A. Accessing Educational Records for Youth with Disabilities

During the OCR's investigation, the OCR noted a delay in DYS' request and receipt of educational records of youth with disabilities from the youth's home district. DYS was unable to accommodate youth with disabilities because it was unaware that any disability existed. Unnecessary delay in DYS' receipt of educational records has the effect of denying a youth with certain kinds of disabilities access to accommodations, may impair the staff's ability to implement Section 504 plans, and may delay the interactive process for assessing whether additional, or different, accommodations are appropriate and necessary.⁴⁹ This is of particular concern for detained youth who are in a DYS facility only for a short period of time but are still entitled to FAPE.

In accordance with DYS Agency Coordination Process, DYS generally makes a record request to the home school district for youth who are in DYS custody for more than twenty-four days.⁵⁰ DYS asks the home school district to respond to their record request within seven business days.⁵¹ Of the 401 youth who entered DYS custody between September 1 and to November 30, 2017, for example, there were fourteen youth for whom it took more than thirty days for DYS to obtain the educational records from their home school district. Five of the fourteen requests that took over thirty days for DYS to obtain were for special education records. This kind of delay could result in youth with disabilities not receiving timely accommodations for their disabilities.

The OCR reviewed the record-sharing history between DYS and the home school districts for multiple youth served by DYS. For one of the youth requiring special education services, it took

⁴⁹ See 28 C.F.R. §42.503(b)(1)(ii).

⁵⁰ MASS. DYS AND DESE, DYS AND DESE AGENCY COORDINATION PROCESS FOR DYS YOUTH ELIGIBLE FOR SPECIAL EDUC. DET. AND COMMITMENT NO. 1.6 (July 2016).

⁵¹ DYS states that 47% of youth detained spend less than twenty days in DYS custody. See Response from DYS to DOJ, Response to Information Request #5, Item 1.

twenty-one days to receive the youth's general education records. However, no special education records were included in the response from the home school district. After more than thirty days, DYS had to make another request for special education records from a different school that the youth had attended. The youth was discharged three days after DYS' last records request and before DYS obtained the special education records. While DESE or the home district may ultimately be responsible for compensatory education services that result from a denial of FAPE due to DYS' delay in requesting or receiving special education records, the OCR recommends DYS consider its critical role in coordinating disability services for youth in its custody. The failure to timely obtain critical education records, including special education records, may be sufficient to constitute a denial of an equal opportunity for youth with disabilities to achieve the same benefits or access to programs and activities as those youth who do not have a disability.

Although DYS Agency Coordination Process dictates that record requests are made to school districts, the OCR has found that, in practice, DYS makes record requests to specific schools within a home school district, in some cases, multiple requests to different schools within the same district. In one example, it took a total of ninety-two days to retrieve the proper school records for a youth in custody. DYS initially sent a record request twenty-three days after DYS took custody of the youth. The first school did not respond until a month later, notifying DYS the student was transferred to a different school in the same district. DYS then submitted a new request to the correct school, finally receiving the youth's records ninety-two days after the youth was taken into DYS custody.⁵²

The school districts' failure to timely respond to DYS' records requests may have negative consequences on confined youth with disabilities. For example, a delay in receiving his or her records could prevent a youth with a disability from promptly receiving an accommodation or modification to policy. In instances where the youth with disabilities were released from DYS' custody before DYS received their special education records, the negative effects on them can be significant. Even a short-term lapse in appropriate instruction and educational services can have a long-term impact on them.⁵³

To its credit, DYS has already improved the speed at which it requests and receives crucial school records, including disability-related records, during the course of the OCR's review. At the onset of our compliance review, DYS' practice was to make weekly requests for the educational records of newly detained youth in its custody. However, the challenge with a once-weekly request was the possibility of a delay in the receipt of educational records if the youth entered into DYS' custody the day after it made its typical request. In these instances, the youth had to wait another seven days in order for DYS to request records, which adversely effected

⁵² DYS has stated that requests made during the summer take longer because school administrative offices are not fully staffed. However, this does not explain other instances where, for example, records requests have taken up to thirty-seven days during a school year.

⁵³ See *Goss v. Lopez*, 419 U.S. 565, 576 (1975) (finding that even a ten-day removal from school is not considered "de minimis").

DYS' ability to provide education consistent with the youth's most recent educational placement in his or her home school district. In order to remedy the gap in time for request of records, DYS implemented a new practice that requests records of youth twice a week rather than once a week. DYS is commended for its continued evaluation of ways to create greater access to education for the youth that it serves. In addition, DYS should ensure that it requests, receives, and understands the purpose of all the records connected to youth with disabilities.

For example, the OCR noticed one peculiarity in its conversations with DYS staff and its reviewing of DYS policies: a seeming lack of reference to, or knowledge of, Section 504 plans. During the OCR's onsite visit, questions to DYS staff regarding Section 504 plans were met with confusion and, often, lack of recognition. Section 504 plans are distinct from IEPs. They arise under Section 504, not the IDEA, and are focused on removing barriers to FAPE required by that law. IEPs frequently serve the same function as a Section 504 plan, but it is incorrect to assume that the presence or absence of an IEP is the whole story of a student's needs in an educational setting. Section 504 plans may not be part of the student record that DYS regularly requests and receives from a home school district, but they can be important resources for how DYS accommodates a youth with disabilities. Although the DOJ's Section 504 regulations do not contemplate FAPE or Section 504 plans,⁵⁴ the information contained within them could play an important role in DYS' ability to serve youth with disabilities and assure that its actions do not discriminate on the basis of disability.

Accordingly, while DYS has made improvements in the manner and time in which it collects the records of youth in its custody from school districts, it can, as discussed below make improvements to both as well as ensure it collects all relevant records for youth who have disabilities.

Recommendation #5: Continue to Decrease Delays in Education Records

DYS should work with home school districts to encourage a more rapid response to DYS' requests for school records. DYS should ensure that its initial school records requests include Section 504 plans, if any, and related documents. If records are not available within a reasonable period of time, DYS should consider alternatives for identifying temporary accommodations that may be appropriate, including communications with the student's family and clinical notes.⁵⁵ DYS should continue to seek to avoid instances where a youth with a disability spends their entire time in DYS' custody without receiving appropriate accommodation due to delays in record sharing.

DYS should also review whether the Agency Coordination Process is being followed in light of the fact that record requests are sometimes sent to multiple schools in the same district. If DYS

⁵⁴ The U.S. Department of Education's Section 504 regulations at 34 C.F.R. 104.33-36 may be instructive to DYS in its continued coordination with DESE, CES, and the home school districts of its youth.

⁵⁵ Pertaining to temporary accommodations, any such determinations are informal. Only a duly constituted IEP or 504 meeting should be used for identifying accommodations for a youth under Section 504 or IDEA.

finds that direct contact to schools is faster over contacting the district in certain scenarios, the policy should be reconsidered to reflect the practice. As part of this reevaluation, DYS should also consider supplementing requests sent directly to schools with a copy sent to the school district.

B. Dissemination of Disability-Related Information

Although DYS and DESE are charged with educating and caring for youth in confinement with disabilities, the OCR observed challenges with the sharing of information between the two agencies as well as between critical DYS staff. The provision of appropriate educational services throughout DYS' system hinges on the effective coordination of the many entities and staff involved to serve the youth in DYS' custody. Ineffective coordination complicates the provision of necessary accommodations to youth with known disabilities and, therefore, frustrates DYS' ability to ensure that these youth can freely and fully participate in the offered programs and activities.

The OCR noted examples of the challenges associated with a limited exchange of information during its site visit. OCR staff observed that program staff often did not have information about a youth's disability-specific needs because that information was kept in ASPEN (operated by CES) and not transferred to JJEMS (operated by DYS) or otherwise made available to DYS and its staff. Thus, there were staff interacting with the youth who may have been unable to provide necessary accommodations to youth because they were unaware of a particular youth's disability. In some cases, both DYS and DESE had information about a youth's disability but failed to share that information using the two systems because of a lack of coordination between the agencies and the lack of interoperability between their systems.⁵⁶

Additionally, the OCR found that some DYS detention staff and administrators did not know whether the youth in their care had disabilities or how to accommodate their needs:

- At the Westfield Revocation Unit, the OCR observed that educational staff did not receive Individual Treatment Plans (ITPs)⁵⁷ and, in turn, that ITP staff did not see a youth's IEP or Section 504 plan. Moreover, no clinical staff was on call to provide information about a youth's disability-related needs.
- At Elliot Boys Assessment, the program director was unsure which youth had IEPs.
- At the CHD Assessment Program, program staff did not regularly review ASPEN and

⁵⁶ DYS clinicians are responsible for delivering behavioral health intervention services in DYS staff secure facilities. DYS, *Guide to New and Current MassHealth Behavioral Health Services & Department of Youth Services Protocols* (Mar. 2011), <https://www.mass.gov/doc/department-of-youth-services-dys/download>.

⁵⁷ According to DYS policy, youth are required to receive "[i]ndividual treatment and service plans that focus interventions on the youth's strengths and risks factors for re-offending . . ." DYS, *Youth Residential Wellness Program*, Policy No. 03.04.10(D)(1)(c) (Apr. 29, 2014).

educational staff did not regularly review JJEMS.

- At the Westfield Unit, the OCR observed that DYS clinical staff decided which information should be shared with Education and Program staff based on information found during a forty-five-day assessment.⁵⁸ This data is released to direct care staff by the clinician at his or her discretion. There is no formalized process for this exchange. This means that DYS clinical staff may have information that is not shared with program staff about a youth's behavioral needs that is not in IEPs or Section 504 plans or known to classroom instructors.
- At Lakeside Detention, the director told the OCR that staff might look at an IEP if there was a problem, but not as a general rule. During its file review of youth at Lakeside, one file indicated that the youth had received in-home family services and had a history of psychiatric services, but staff was unaware of these facts even though the youth had been at the facility for at least two weeks. Had staff at Lakeside Detention, routinely reviewed special education files, including IEPs and Section 504 plans, and routinely disseminated this information to staff who interact with the youth, this blind spot would have been avoided.

During the course of this compliance review, DYS began to address these issues. Currently, DYS and DESE have in place an "Agency Coordination Process for DYS Youth Eligible for Special Education - Detention and Commitment (ACP)" that governs the coordination, administration, and management of activities related to youth residing in DYS facilities who are eligible for special education. As noted in Section VI, Educational Access of Youth with Disabilities, DYS informed the OCR that it is increasing their data matching process from once per week to twice per week. This change was memorialized in an amendment to the Agency Coordination Process in section 1.1 on January 2019. DYS also informed the OCR that beginning in February 2018, clinical information about youth had become available to Program Directors in JJEMS, when JJEMS security protocols were amended to allow such access for program and assistant program directors.

Recommendation #6: Review and Share Disability-Related Information with Teachers, Clinical Staff, and Correctional Staff

The OCR recommends DYS review how disability-related information regarding youth is collected and shared, particularly as it relates to their IEPs and 504 plans. DYS should create processes for sharing disability-related information between DESE and DYS and among staff who directly interact with youth in a manner that equips all staff with information to best address the needs of youth with disabilities. When necessary, staff working directly with youth with disabilities should be made aware of what accommodations youth with disabilities need and

⁵⁸ According to DYS, youth who are committed to DYS for longer periods, after court adjudication, undergo a forty-five-day assessment process that includes a review of the youth's psychological, social, family, educational, and offense history including interviews with family.

trained on how to provide those accommodations. Decisions related to information sharing should be made on an individualized basis, as informed by the needs of the student. Additionally, DYS should train staff on the appropriate uses of their knowledge of a youth who has a disability. This means that DYS staff should only use information about a youth's disability to meet the youth's needs and must not use it to deny the youth services or make any assumptions about the youth's likelihood to, for example, disobey facility rules based on information or stereotypes of the youth's disability. DYS should also train staff on the requirements of the Health Insurance Portability and Accountability Act of 1996⁵⁹ (HIPAA) and the Family Educational Rights and Privacy Act⁶⁰ (FERPA) requirements to ensure that information barriers between the JJEMS and ASPEN databases are not unnecessarily restrictive and that proper consents for releases of information are obtained.

Recommendation #7: Quality Assurance

Because DYS' has challenges with tracking who has IEPs or whether IEPs have expired, the OCR recommends DYS regularly collect, for each facility, the names of youth who are eligible for or have IEPs or Section 504 plans. DYS should also institute a system to track all IEPs and Section 504 plans, track expiration dates of plans, and flag expired plans for prompt resolution.

V. Physical Accessibility

During the OCR's site visit, OCR staff observed that several of DYS facilities appeared not to be in compliance with the ADA's accessibility requirements.⁶¹ In accordance with the ADA, DYS shall not, on the basis of disability, provide aids, benefits, or services to qualified inmates with mobility disabilities that are unequal to, or different or separate from, those afforded to youth who do not have disabilities, unless different or separate services are necessary to provide such youth with disabilities benefits, aids, or services that are as effective as those provided to others.⁶² Further, given the issues with accessibility, DYS has not made needed changes to ensure the programs were accessible to individuals with all types of physical impairments. Several facilities did not have accessible bathrooms. Showers were a special concern, as were medical units. One program did not have an accessible day room for family visits.

In 2019, after OCR notified DYS of its accessibility issues, the Division of Capital Asset Management and Maintenance ("DCAMM"), who is the state agency responsible for capital planning and facilities in Massachusetts, hired an accessibility consultant and initiated a review of DYS' facilities.⁶³ Upon completion of the review, the DCAMM will provide its findings and make accessibility recommendations to DYS.

⁵⁹ 42 U.S.C. §§ 300gg and 1320d; 29 U.S.C. § 1181; 45 C.F.R. §§ 160, 164.

⁶⁰ 20 U.S.C. § 1232g; 34 C.F.R. § 99.

⁶¹ See generally 2010 ADA Standards for Accessible Design, 28 C.F.R. § 35.104.

⁶² 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1)(ii), (iv).

⁶³ Letter from Commissioner Peter Forbes to Director Michael Alston at 14 (Dec. 9, 2020).

Recommendation #8: Ensure Accessible Placement of Youth While Addressing Lack of Accessibility at Facilities

Although DYS should endeavor to bring the physical plants of its facilities into compliance as soon as possible, the magnitude of the changes could require an extended timeline. In the interim, DYS should monitor its placement decisions of youth with mobility and other physical impairments are not being denied access to programs or services on the basis of their disability. DYS is a decentralized program by design in an effort to keep youth close to their homes and therefore their families and schools. Proximity to schools is particularly crucial to youth with disabilities in a system where the home school remains the LEA for special education purposes. All of these factors should continue playing a role in DYS placement decisions. DYS should develop a plan to make all of its facilities ADA accessible consistent with applicable ADA regulations.⁶⁴

VI. Conclusion

Implementation of the recommendations discussed herein will help ensure DYS' compliance with the requirements of the ADA, Section 504, and each statute's implementing regulations. The OCR is always available to offer technical assistance to DYS in implementing the foregoing recommendations and continuing to strengthen its program and services for youth with disabilities.

Please be advised that this Compliance Review is limited to the specific facts of the matter and does not preclude the DOJ from taking additional appropriate action to evaluate a recipient's compliance with any of the laws the DOJ enforces. Additionally, please note that this letter does not affect DYS' requirement to comply with all applicable federal laws and regulations.

DYS is on notice that federal law protects persons who participated in the OCR's Compliance Review from retaliation for having provided information to the OCR. Any individual alleging harassment, intimidation, or retaliation may file a complaint with the OCR, which would investigate such a complaint as required by law.

Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

The OCR thanks DYS and its staff, particularly Acting Commissioner Cecely Reardon and Acting General Counsel Stacey Bloom, for their cooperation, courtesy, and assistance of OCR attorneys during this Compliance Review and associated site visits.

⁶⁴ 28 C.F.R. §§ 35.150-.151; 1991 ADA Standards for Accessible Design, 28 C.F.R. § 36, App. D (2011); Uniform Federal Accessibility Standards, 41 C.F.R. § 101-19.6, App. A; 2010 ADA Standards for Accessible Design, 28 C.F.R. § 35.104.

Ceceley Reardon
Acting Commissioner
Massachusetts Department of Youth Services
July 6, 2023
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Sincerely,

X

Michael L. Alston
Director