

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Americans with Disabilities Act (ADA), Title II Provisions		
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Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

I. Introduction and Summary: This Standard Operating Procedure provides information concerning how the Georgia Department of Corrections (GDC) shall maintain compliance with the Americans with Disabilities Act (ADA). The ADA is a Civil Rights law, which requires the agency to provide Reasonable Accommodations and accessibility to programs, services, and activities for offenders with disabilities. The GDC shall ensure compliance with the law, with the only exceptions of Undue Burden or Direct Threats to safety and security. The agency prohibits discrimination based on an offender’s Disability when making administrative decisions and in providing access to programs, services, and activities.

II. Authority:

- A. The Americans with Disabilities Act of 1990: 42 U.S.C. §12102, § 12131-34, and 28 C.F.R. §35.101 *et seq.*;
- B. Rehabilitation Act of 1973: §504, 29 U.S.C. 794 (a) – (d);
- C. O.C.G.A. §30-3-3;
- D. Ga. Comp. R. & Reg. 120-3-20-.01, *et seq.*
- D. GDC SOPs: 103.08 Searching, Handcuffing, and Transporting Prisoners, 104.21 Americans with Disabilities Act, Title I (Employment Provisions), 106.01 Purposes (Chaplaincy Program), 106.04 Chaplaincy Services, 106.10 Communion Wine, 106.12 Wicca (Witchcraft) Guidelines, 106.13 Native American Guidelines, 107.02 Access to Services and Programs, 108.03 Special Education, 108.08 Vocational Education, 108.09 Vocational Education, 108.11 Vocational Services OJT Programs, 205.57 Post Orders, 208.06 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program, 209.04 Use of Force and Restraint for Offender Control, 209.06 Administrative Segregation, 213.03 Probation Detention Center, 213.14 Detainee Grievance Procedure, 220.03 Classification Committee, 214.02 Performance Incentive Credit, 220.05 Diagnostic Reception, Orientation, and Processing, 222.01 Inter-Institutional Transfer (Physical Limitation Transfers), 222.08 Sex Offender Registry, 227.01 Inmate/Probationer Access to Telephone, 227.02 Statewide Grievance Procedure, 410.04 Space Planning, 410.06 Mechanical, Electrical,

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Plumbing Design Standards, 410.05 Capital Planning & Administration, 502.01 Recreation Administration, 503.02 Reentry Pre and Post Release Planning, 507.04.23 Medical Classification and Profiling, 507.04.25 Health Screening Offender/ Probationer Transfers, 507.04.49 Health Promotion and Disease Prevention, 507.04.58 Special Needs Treatment Planning, 507.04.59 Assisted Living Medical Bed Spaces, 507.04.63 Medical Prostheses, 508.14 Mental Health Reception Screen, 508.16 Mental Health Level of Care, 508.20 Mental Health Rounds in Isolation/Administrative Segregation Units, 508.33 Transfer of Seriously Mentally Ill Offenders/ Probationers, 508.34 Clearance for Transitional Services; and

- E. ACA Standards 4-4133, 4-4142, 4-4143, 4-4144, 4-4277, 4-4399, 4-4429, 4-4429-1, 4-4475, and 4-4497.

III. Definitions:

- A. **Agency ADA Coordinator** - An individual appointed by the Commissioner to ensure agency's compliance with ADA requirements.
- B. **Americans with Disabilities Act (ADA)** - Ensures that all individuals with disabilities are guaranteed the same rights and privileges as those without disabilities.
- C. **Auxiliary Aids and Services** - Materials and personal services that may be used to provide effective communication and Reasonable Accommodations for people with visual, hearing, speech, or cognitive disabilities, who are qualified under the ADA.
- D. **Direct Threat to Health and Safety** - Under the ADA, a direct threat may exclude an individual from a public entity's program, service, or activity. A Direct Threat must be a significant risk to the health and safety of self or others that cannot be eliminated or reduced to safe levels through a Reasonable Accommodation. A direct threat cannot be based upon stereotypes or unfounded fears.
- E. **Disability** - The term "Disability" means, with respect to an individual:

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1. A Physical or Mental Impairment that substantially limits one or more major life activities of such individual;
 2. A record of such an impairment; or
 3. Being regarded as having such an impairment.
- F. **Facility ADA Coordinator** - An individual, appointed by the Warden or Superintendent, who provides consultation to his/her assigned facility on reasonable accommodation requests from offender population in concert with and to assist the Agency ADA Coordinator in ensuring the agency's compliance with ADA. The designated Facility ADA Coordinator shall be:
1. The Deputy Warden of Care and Treatment (DWCT), Assistant Warden, Counselor, or a Unit Manager at state and private prisons; or
 2. The Assistant Superintendent at Detention Centers, Transitional Centers, and Treatment Centers.
- G. **Fundamental Alteration** - A change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered
- H. **Major Life Activity** - Functions to include, but not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, speaking, breathing, learning, and working.
- I. **Mental Impairment** - Any mental or psychological disorder to include, but not limited to, intellectual and developmental disabilities, organic brain syndrome, emotional or mental illness, traumatic brain injuries, and learning disabilities.
- J. **Physical Impairment** - Any physiological disorder or condition, to include but not limited to cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs,

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respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hernic and lymphatic, skin, and endocrine.

- K. Qualified Individual with a Disability** - 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 (collectively referred to as “Reasonable Accommodation”), meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Note: If an individual poses a Direct Threat to the health and safety of others, he or she is not considered a qualified individual with a Disability.

- L. Qualified Interpreter** - Someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e. understanding what the person with the disability is saying) and expressively (i.e. having the skill needed to convey information back to the person) using any necessary specialized vocabulary.
- M. Reasonable Accommodation** - Any change or adjustment that would not fundamentally alter the nature of a service, program, or activity of a living or work environment; including reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services that permit participation of qualified offenders with disabilities.
- N. Rehabilitation Act of 1973** - The federal civil rights law protecting the rights of individuals with disabilities. Section 504 provides that "no otherwise qualified individual with a Disability in the United States...solely by reason of his or her 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."
- O. Telecommunications Device for the Deaf (TDD also known as TTY)** - An electronic device for text communication over a telephone line, that is designed for use by persons with hearing or speech difficulties. A tele-type writer.

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- P. **Undue Burden** - Significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

IV. Statement of Policy and Applicable Procedures:

- A. ADA Coordination: GDC has a full-time Agency ADA Coordinator to oversee and coordinate agency efforts to comply with ADA requirements. The Agency ADA Coordinator is an appropriately trained and qualified individual, who is educated in the problems and challenges faced by offenders with Physical and/or Mental Impairments, programs designed to educate and assist disabled offenders, and all legal requirements for the protection of offenders with disabilities. The Agency ADA Coordinator works in direct collaboration with the State ADA Coordinator's Office and other experts who assist in interpreting the law and introducing viable accessibility solutions. The Agency ADA Coordinator will work in concert with Executive Operations, the Office of Health Services, Facility Operations, Administrative Services, Inmate Services, Office of Information Technology, Engineering and Construction, and other disciplines to achieve and maintain compliance.

The Agency ADA Coordinator, or designee/Facility ADA Coordinator, will conduct site visits and evaluations of all GDC facilities and offices on an annual basis. The results of these visits and evaluations will be utilized to guide the delivery of programs, services, and accommodative housing to qualified individuals with disabilities, ensuring accessibility. The Agency ADA Coordinator will be responsible for training the Facility ADA Coordinators on the law

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concerning accessibility and the agency’s mode of compliance evaluation. The Agency ADA Coordinator will work in concert with the Office of Professional Development to ensure that all staff members receive training on the ADA requirements of the agency, with initial and annual training sessions.

1. Specific Responsibilities and Authorities of the Agency ADA Coordinator:
 - a. Coordinate the agency’s efforts to comply with and carry out its responsibilities under the ADA Title II provisions;
 - b. Compile and maintain such information concerning offenders with disabilities in the custody of GDC, as is necessary to carry out the duties and responsibilities of the position;
 - c. Ensure, in concert with Facility Operations, Offender Administration, Inmate Services, and the Office of Health Services, that offenders with disabilities are housed in facilities that accommodate their disabilities and that all applicable GDC facilities and programs are ADA compliant;
 - d. Ensure that all staff who interact with offenders with disabilities are provided with adequate and appropriate information and training on ADA issues;
 - e. Ensure that procedures for the prompt and equitable resolution of requests for Reasonable Accommodation and/or complaints by offenders with disabilities are in place, publicized, and implemented;
 - f. Review all offender requests for Reasonable Accommodation and/or complaints, and process said requests or ensure the facility designee processes the complaint providing results to Agency’s ADA Coordinator;
 - g. Develop and maintain, with the State ADA Coordinator’s Office, an inventory of written materials and other resources concerning ADA compliance (including, without limitation, laws, regulations, reference

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materials, educational materials, DOJ publications, and contact information); and

- h. Serve as a resource for offenders, agency employees, federal, state, and city government representatives, and members of the general public who have questions regarding GDC offenders with disabilities and agency procedures concerning ADA compliance.
2. The Agency ADA Coordinator shall be consulted in the following circumstances:
- a. New construction and alterations to existing structures (prior to contract signing);
 - b. Emergency/evacuation transportation of qualified individuals with disabilities;
 - c. Need of appropriate mode of transportation for qualified individuals;
 - d. Grievance filings concerning ADA requests after the initial review, investigation, and proposed resolution of the Grievance Coordinator;
 - e. All offender ADA accommodation requests (verbal, written, or offered on Attachment 1 of this policy);
 - f. All recommendations for denial of accommodations;
 - g. Procurement, to include contracts and decisions, which will affect qualified individuals with disabilities;
 - h. Inquiries from external customers concerning ADA requirements;
 - i. Requests for technical assistance regarding ADA requirements; and
 - j. All other concerns regarding compliance with ADA requirements.

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B. Determination of Disability:

1. The determination of whether an offender has a disability shall be made by facility medical or mental health staff, either at reception or at the facility where an offender is assigned, through a thorough evaluation process.
 - a. The nature and extent of the disability will be assessed during the evaluation process.
 - b. In determining if a person’s physical or mental impairment substantially limits major life activity, the following factors shall be considered:
 - i. The nature and severity of the impairment;
 - ii. The length of time the impairment is expected to last; and,
 - iii. The expected, permanent, or long-term impact of the impairment.
2. In accordance with SOPs 220.05 Diagnostic Reception, Orientation, and Processing and 507.04.23 Medical Classification and Profiling, an initial medical screening shall be conducted during intake processing to determine the needs for immediate intervention. During the intake process, self-report discussions, chart reviews, and medical professional observations will be utilized to identify offenders who may be qualified individuals under the ADA. This determination shall be done in conjunction with the Agency’s ADA Coordinator’s office. Physicians [Doctor of Medicine (MD) or Doctor of Osteopathic Medicine(DO)], Nurse Practitioners (NP) and/or Physician's Assistants (PA) will assign a medical grade for each offender, which will indicate the overall medical condition and reflect the degree of medical illness. These grades will indicate housing and physical accommodations and the need for additional medical services. Offender medical profiles shall be documented at Intake/Diagnostic processing utilizing the departmental database.
3. A Mental Health (MH) screening and evaluation will be conducted by Qualified Mental Health Professionals to determine an offender’s mental health history, status of an offender as a qualified individual, diagnosis(s) and

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level of care needs as referenced in SOP 508.16 Mental Health Level of Care. The determination of ADA qualification shall be done in conjunction with the agency's ADA Coordinator's office.

4. Education services are rendered to qualified individuals with disabilities, who request participation. In determining intellectual disabilities, the initial assessment is done by the offender's self-report at intake. Offenders who are under the age of twenty-two (22), with a history of special education services, may be administered tests to confirm areas of intellectual disabilities. These tests will be administered by contracted school psychologists. Offenders who request educational programming after intake and are qualified under the ADA shall be provided Reasonable Accommodations. Please see Education Services Standard Operating Procedures for further information.

5. Intake and Diagnostic Processing (Screening Process for ADA Purposes): At an offender's arrival, the intake and diagnostic staff (security, education, medical, mental health, parole interviewers, classification, etc.) will ask offenders with hearing/visual disabilities their preferred way of communication during the first interaction in the intake/diagnostic process. This determination shall prompt the intake/diagnostic staff to secure a Qualified Interpreter or use Video Remote Interpreting for those with hearing impairments, a reader or other assistive technology for those with visual impairments, or other specified preferred ways of effective communication. The identified preferred way of effective communication shall be utilized throughout the intake and diagnostic processing, and this information shall be documented in the department's database. Staff members shall contact the Agency ADA Coordinator to order live American Sign Language interpreting services.

All documentation and videos utilized during the diagnostic process shall be accessible for offenders (i.e. Braille, large print, recorded information, closed-captioning, etc.)

Prior to transfer from diagnostic units, and from one facility to another, the sending facility must contact the receiving facility to ensure that necessary

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equipment or auxiliary aids are available (i.e. qualified interpreters, special beds, shower chairs, accessible showers and toilets, Hoyer lifts, etc.) for reception. This interaction shall be documented in the department's database.

C. Housing of Offenders with Disabilities:

1. The agency will make Reasonable Accommodations to ensure sufficient spaces are available to house each offender with a Disability in an area with accessibility to appropriate and safe housing. The sufficient spaces shall be available at all security and mental health levels. Single occupancy cells will be made available for offenders with severe medical disabilities, serious mental illness and other special needs, when necessary. Provisions for integration with other offenders will be made, unless determined to be unreasonable or a direct threat.
2. In accordance with SOP 222.01 Inter-Institutional Transfer (Physical Limitation Transfers), at the completion of the diagnostic intake process or during any other inter-institutional transfers, the Offender Administration Unit will house offenders with disabilities in accessible facilities. (Note: The Warden or designee at intake facilities, in consultation with the Medical Unit, Engineering Unit, ranking security staff, and Facility ADA Coordinator, will determine reasonable and accessible housing accommodations for offenders with disabilities until transfer. Offender Administration, the Agency ADA Coordinator, and Regional Directors shall be contacted when reasonable housing accommodations are not available, so that proper, accessible housing considerations are made.)
3. When considering housing assignments or transfers of chronically ill (physically or mentally) or terminally ill offenders with disabilities, Qualified Medical and/or Mental Health professionals shall be consulted.

Note: In the case of an emergency transfer, medical and mental health professionals shall be notified in a reasonable amount of time following an incident by phone or in-person when onsite or by utilization of the Duty Officer call lists when offsite.

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4. Offender Administration, under the direction of Facility Operations, will ensure offenders who need a Reasonable Accommodation for accessible housing are given priority for housing availability.
5. Offenders who need housing accommodations due to disabilities shall not be routinely placed in designated medical areas unless they are receiving medical care or until appropriate housing is identified. If an offender with a disability is housed in a designated medical unit and is not under medical care, the assignment must be justified, and the justification must be documented and placed in the offender’s medical file. Such assignments shall be temporary and not exceed 30 days, unless circumstances requiring such assignment persist. The GDC Medical Director, the assigned Regional Director, and the Agency ADA Coordinator shall be notified immediately of such assignments and the date which the offender is returned to a facility housing unit with necessary accessibility.
6. Housing provided for offenders with disabilities, including those temporarily housed in the designated Medical Unit, shall allow access to programs, services, and activities offered to all other offenders.
7. This SOP, in concert with other GDC rules and federal statutes, shall be used as a reference to inform housing, physical and mental health needs, and program accessibility needs in accordance with ADA requirements.

D. Reasonable Accommodations for Qualified Offenders with Disabilities:

1. The physical conditions of and services provided by facilities shall be determined by the Warden and Facility Operations Leadership, and necessary adjustments shall be made for Reasonable Accommodations or an offender will be transferred to appropriate, accessible housing locations.
 - a. Facilities shall make Reasonable Accommodations for offenders with physical and/or mental disabilities, consistent with and as required by the ADA.

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- b. Reasonable Accommodations shall include, but not be limited to, medical care, mental health care, physical plant accommodations, and provision of programs, services, and activities.

- 2. Appropriately trained individuals shall be assigned to assist offenders who cannot otherwise perform activities of daily living. Assigned offender helpers shall be limited to provide aid in such matters as ambulation and shall not provide medical care or personal care such as bathing. If offenders will be assigned to provide aid in matters of ambulation, they will be identified by the facility's Classification Committee as a helper, receive proper training from medical staff, and will be evaluated semi-annually for appropriate assignment.

- 3. The facility shall provide education, equipment and facilities, and the support necessary for offenders with disabilities to perform self-care and personal hygiene in a reasonably private environment. Medical professionals, specifically assigned ADA activity therapists, mental health staff, and correctional staff shall collaboratively ensure adherence to this standard.

- 4. Durable medical equipment, supplies, Disability aids, and prostheses shall be ordered, provided, maintained, and available for offender use as medically necessary. Ordering, provision, and maintenance of these items shall be done in a timely manner.

- 5. Physical therapy shall be available on or off-site, as appropriate, and shall be carried out, subject to the offender's consent, as prescribed by the facility or community medical professionals.

- 6. The facility shall ensure that qualified offenders with disabilities shall not, because of their housing assignment or because a facility is inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of the facility, or be subjected to discrimination.

- 7. Facilities housing offenders with disabilities shall make Reasonable Accommodations necessary to meet the educational, mental health, and

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vocational needs of offenders who require special placement because of physical, mental, emotional, or learning disabilities.

8. The agency's offender work plan shall provide for work detail assignments for qualified offenders with disabilities through Inmate Services Division and the facility Classification Committees.
9. Staff and offenders have access to a designated Facility ADA Coordinator and the Agency ADA Coordinator, who are appropriately trained and qualified individuals, educated in the problems and challenges faced by offenders with Physical and/or Mental Impairments, have programs designed to educate and assist offenders with disabilities, and have met all legal requirements for the protection of offenders with disabilities. The Agency ADA Coordinator can be contacted at the following address and telephone number:

Georgia Department of Corrections
Americans with Disabilities Act (ADA) Coordinator
Office of Professional Standards
P. O. Box 1529
Forsyth, Georgia 31029
478-993-4737

Note: This contact information shall be documented in the Offender Handbook and posted throughout the facility on conspicuous posters.

E. Effective Communication:

1. Effective communication is vital. Communication with those who have disabilities must be as effective as with others. Reasonable accommodations for effective communication will include, but are not limited to:
 - a. Offenders with hearing and/or speech disabilities, and offenders who wish to communicate with parties who have such disabilities, shall be provided access to a Telecommunications Device for the Deaf (TDD), or comparable equipment, on the housing units.

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- b. Public telephones with volume control shall also be made available to offenders with hearing impairments.
 - c. Telephones with wheelchair accessible height will be made available on housing units for offender use for accessibility, as deemed necessary, Special equipment for telephone use by those who have hearing disabilities, or who have challenges receiving auditory communication, or who have challenges with auditory reception shall be provided.
 - d. Auxiliary aids (i. e., qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices) will be provided as a reasonable accommodation to offenders who qualify under ADA. Issuance and repair of aids shall be done in a timely manner.
- F. Provision of Services: All qualified offenders with disabilities will have access to services, programs, and activities. Appropriate and effective communication will be available to ensure access to the services and programs through contracted or employed language services or other accessibility solutions. All offenders shall have equal access to the following services, programs, and activities, but are not limited to those outlined below:
- 1. Academic and vocational education;
 - 2. Work programs/work release programs;
 - 3. Recreation;
 - 4. Mail, telephone, visiting;

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5. Library;
6. Religious programs;
7. Reception and orientation;
8. Transportation services;
9. Classification;
10. Food Service;
11. Sanitation and Hygiene;
12. Health Care;
13. Social Services;
14. Release;
15. Discipline, Grievance Procedures, and Due Process proceedings;
16. Safety and Emergency Procedures;
17. Access to media, courts, counsel, and law library;
18. Commissary;
19. Volunteer Programs; and
20. Mental Health Services.

G. Accommodations Request Procedure:

1. All agency and privately operated facilities shall furnish to any offender, upon

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request, an Offender ADA Accommodation Request Form (Attachment 1). Copies of this form shall be available from the Control Room/Housing Unit Officer.

2. Offenders, who have a documented disability and are requesting an accommodation or modification shall submit a request in writing on Attachment 1 to the Facility ADA Coordinator. Offenders shall specify the type of accommodation requested and why it is necessary.
3. There will be no reprisal or harassment directed at an offender who submits an accommodation request.
5. Offenders who cannot put their requests in writing shall make their verbal requests to their assigned counselor, who shall document the request in writing on Attachment 1 and have the offender sign or otherwise acknowledge it. If an American Sign Language interpreter is needed for this process, the Facility ADA Coordinator shall be contacted. If a spoken language interpreter is needed for this process, the language line shall be utilized.

Note: Another offender may assist a requester in submitting an accommodation request by providing help in filling out the form. However, one offender cannot file an accommodation request on behalf of another unless the offender is physically unable to do so.

6. Upon receipt of Attachment 1, the Facility ADA Coordinator shall review the offender's accommodation request. The following documentation guidelines shall be adhered to in conducting the accommodation request process:
 - a. The Facility ADA Coordinator will administer the accommodation request process. This includes maintaining a log book, which lists all accommodation requests with the following information:
 - i. Name of offender;
 - ii. GDC ID number;

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- iii. Number of accommodation request;
 - iv. Description of request; and
 - v. Status of accommodation request. (Example of status: April 1, 2018 – mailed to Commissioner’s Designee; or, resolved by Agency ADA Coordinator on June 1, 2018).
- b. Accommodation requests are confidential. Only those who need to know the contents in order to process or answer an accommodation request should be aware of its content.
7. The Facility ADA Coordinator shall, as necessary, request additional information from the appropriate facility medical professionals to verify the offender’s disability or other facility professionals to assist with the review of the request.
 8. The Facility ADA Coordinator will forward Attachment 1, with supporting documents and proposed accommodation, to the Agency ADA Coordinator within (ten) 10 days of receipt. The proposed decision shall be made in conjunction with the Facility Warden or Superintendent.
 9. The Agency ADA Coordinator shall review the request received and notify the Facility ADA Coordinator of his or her decision regarding reasonable accommodation within ten (10) days of receipt. Following consultation with the Agency ADA Coordinator, the Warden/Superintendent or designee shall complete the Warden’s/Superintendent’s ADA Accommodation Request Response (Attachment 2). This attachment shall reflect whether the accommodation request is either approved, denied, modified/partially approved, as well as the reason (s) for the decision. If an accommodation is granted, an anticipated completion date shall be reflected on Attachment 2. The completion date of the granted accommodation shall be reflected in the department’s database.
 10. The offender shall receive the final decision within twenty - five (25) days of the request receipt at the facility level on Attachment 2.

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11. The Warden/Superintendent will take steps to comply with the collaborative decision reached with the Agency ADA Coordinator.

H. Denial of Requests for Accommodation: A request for a particular accommodation shall be denied for any of the following reasons:

1. The person seeking an accommodation is not an individual with a qualifying disability;
2. When it poses a risk to the safety or security of the facility, staff, or the public, or when the request would adversely impact the deterrence of crime or maintenance of offender discipline;

Note: In determining if a requested accommodation poses a direct threat, the Facility Administrator (Warden or Superintendent) and the appropriate Division Director will consult with the Agency ADA Coordinator.

3. When it is an undue burden on the agency;

Note: A facility cannot deny a request for accommodation using the Undue Burden defense without consulting the Agency ADA Coordinator for guidance. The Agency ADA Coordinator shall consult with the appropriate Division Directors before making a determination that a requested accommodation would constitute an undue financial or administrative burden on the agency or a fundamental alteration to the nature of a service, program, or activity. The final decision that compliance with the requested accommodation would result in an undue financial or administrative burden shall be made by the Commissioner or designee after consideration of all resources available for use in the funding and operation of the service, program or activity. This decision will be accompanied by a written statement of the reasons for reaching the conclusion.

A request for a particular accommodation shall be denied if equally effective access to a program, service, or activity can be afforded through an alternate method, which is less costly or intrusive. Alternative methods that are less

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costly or intrusive to the existing operation or program shall be utilized to provide reasonable access in lieu of modifications requested by the offender as long as they are equally effective.

4. When it causes a fundamental alteration of the nature of the service, program, or activity; or
 5. The accommodation is ineffective.
- I. Accommodation Appeals: Offenders who have a complaint alleging a violation of the Americans with Disabilities Act and wish to appeal the denial of a request for accommodation shall submit an ADA Accommodation Appeal Form ADA Accommodation Request Appeal Form (Attachment 3) within seven (7) calendar days of receipt of the Warden's/Superintendent's response to the following address:

Commissioner's Designee
Georgia Department of Corrections
P.O. Box 1529
Forsyth, Georgia 31029

The Commissioner's Designee will have twenty (20) calendar days of receipt of an appeal form to respond to an offender, utilizing the Commissioner's Designee's ADA Accommodation Request Appeal Response (Attachment 4).

- J. Use of Force. Please refer to SOP 209.04, Use of Force and Restraint for Offender Control, for procedures concerning ADA compliance when restraining offenders with Disabilities.

V. Attachments:

- Attachment 1: Offender ADA Accommodation Request Form
- Attachment 2: Warden's/Superintendent's ADA Accommodation Request Response
- Attachment 3: ADA Accommodation Request Appeal Form
- Attachment 4: Commissioner's Designee ADA Accommodation Request Appeal Response

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VI. Record Retention of Forms Relevant to this Policy:

Upon completion, the original attachments shall be placed in the offender's institutional file and retained according to the official retention schedule for that file. Copies of all attachments shall be placed in the medical file and mental health file, as necessary, and retained according to the official retention schedule for that file. Copies of all attachments shall also be maintained in the Facility ADA Coordinator's and Agency ADA Coordinator's offices for four (4) years following the final decision of the request. Copies of Attachment 3 and 4 shall be maintained in the Commissioner's Designee's office for four (4) years following the final decision of the request.