



MARYLAND
Department of
Juvenile Services

Successful Youth • Strong Leaders • Safer Communities

POLICY

SUBJECT: Accessibility for Youth with Hearing Impairments

NUMBER: OPS-911-18

APPLICABLE TO: All staff and private providers

APPROVED: _____ /s/ signature on original

Sam Abed, Secretary

DATE: 5/18/18

I. POLICY

Department of Juvenile Services (DJS) programs and services shall provide appropriate auxiliary aids and services to youth with hearing impairments where such aids and services are necessary to ensure effective communication so that they may participate in or benefit from DJS programs and services on an equal basis with other individuals.

II. AUTHORITY

- A. MD. CODE ANN., HUM SERVS. §§ 9-203 and -204.
- B. Title II, Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101-12103; 12131-12134; 12201-12213.
- C. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 and implementing regulations.
- D. Prison Rape Elimination Act (PREA) Juvenile Facility Standards

III. DIRECTIVES/POLICIES RESCINDED

- A. Accessibility for Youth with Hearing Impairments, OPS-911-15

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed and are attached.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy and procedures issued.	May 11, 2004
Stylistic and substantive updates to policy and procedure.	November 2014
<p>Procedure updated to include:</p> <ul style="list-style-type: none"> • Definition for grievance. • Offer qualified sign language or oral interpreters for youth with a hearing impairment as necessary for effective communication to include disciplinary hearings, physical or sexual abuse reports and investigatory interviews. • In residential facilities, other youth may not interpret for a youth who is making an abuse or harassment allegation unless not doing so would compromise the youth's safety, the performance of first responder duties or hinder the investigation of the allegation. • Director of Fair Practices Responsibilities: <ul style="list-style-type: none"> ○ coordinate training sessions with the Professional Training and Education Unit; ○ file a complaint with the Maryland State Department of Education before the youth's release if appropriate auxiliary aids and services will not be in place by the time the youth is scheduled to attend the public school or state-financed educational program. ○ at any time, request copies of the confidentiality and orientation and training records. • Community Intake Staff shall screen youth to determine if they have a hearing impairment and, if so, what auxiliary aids or services are necessary for the youth to benefit from programs and services. • Residential Admissions Officer shall screen each youth to determine if they have a hearing impairment and, if so, identify what auxiliary aids or services are necessary for the youth to benefit from programs and services. In determining what types of auxiliary aids and services are necessary, the admissions officer shall give primary consideration to any requests expressed by the youth. • Clarified ADA Coordinator role. • Superintendent shall conduct a review of the confidentiality agreement and training and orientation with qualified sign language or oral interpreters. These documents shall be retained by the Superintendent. • Updated attachment two to include orientation and training materials. 	May 18, 2018



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PROCEDURES

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I. PURPOSE

To provide a standard process for staff to ensure youth with hearing impairments receive appropriate auxiliary aids and services while in DJS care.

This procedure establishes guidelines to:

- a. maintain a screening and assessment process to identify youth with hearing impairments;
- b. provide appropriate auxiliary aids and services for youth with hearing impairments free of charge;
- c. maintain a procedure that allows each youth with a hearing impairment to request auxiliary aids and services, giving primary consideration to the choice expressed by the youth;
- d. monitor to ensure that appropriate auxiliary aids and services are made available to youth with hearing impairments so that they may participate and benefit from programs and services equal to that of other youth; and
- e. maintain a recordkeeping system to monitor the provision of appropriate auxiliary aids and services for youth with hearing impairments.

II. DEFINITIONS

American with Disabilities Act (ADA) Coordinator means the designated staff person at each DJS facility and in each region to address ADA and Section 504 compliance matters. Facility ADA Coordinators report directly to the Superintendent at each DJS facility. Regional ADA Coordinators report to the Regional Director or designee.

Admissions Officer means designated staff trained in facility procedures for admitting a new youth.

ASSIST means the official DJS automated case management and information system.

Auxiliary aids and services mean effective methods of making aurally delivered materials available to youth with hearing impairments. *Auxiliary aids and services* include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TTYs or TDDs) and videotext displays.

Effective communication means communication with persons with disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services necessary to afford qualified youth with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of DJS.

Grievance means a written complaint regarding a circumstance or action related to the behavior of other youth, staff, contractors or volunteers or to the conditions of confinement.

Hearing impairment means a decrease or loss of one's ability to perceive sound.

Intake officer means a Case Management Specialist assigned to carry out community intake functions.

Programs and services means all residential and community programming provided by DJS, or by a vendor contracting with DJS, to youth including, but not limited to discipline, rehabilitation, medical treatment, behavioral health treatment, education, recreation, group living/leisure time, vocational training and supervision.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, given a youth's language skills, using any specialized terminology necessary for effective communication in a DJS facility or as part of a DJS program or service, communications between a youth who is hearing impaired and hearing individuals.

Telephone device means an instrument used with or attached to a telephone to ensure effective communication. A *telephone device* includes text telephones (TTYs or TDDs), volume control telephones, and hearing-aid compatible telephones.

III. PROCEDURES

A. General

1. Each DJS facility and region shall have a designated on-site ADA Coordinator.
2. A youth with a hearing impairment may at any time request auxiliary aids or services or request a change in current auxiliary aids or services by making the request to any staff. The staff shall complete or modify a **Request for Auxiliary Aids and Services Form (Appendix 1)** as needed.

3. Youth in a DJS facility with a hearing impairment may file a grievance at any time if the youth feels that they are being denied any component of programs and services or if a request for auxiliary aids and services has been denied.
4. For any time that a youth with a hearing impairment is in a DJS facility, the following shall be provided:
 - a. visual alarms in common areas and youth rooms consistent with federal regulations;
 - b. closed caption decoders shall be available or ensure that the facility uses televisions with built-in capability to display captions;
 - c. any recordings or program broadcasted to hearing- impaired youth shall be captioned;
 - d. clearly stated directions for accessibility to closed caption capability shall be posted adjacent to each television set;
 - e. access to telephones equipped with the appropriate telephone devices and that telephone calls do not take place until the appropriate telephone devices are in place;
 - f. posted signs identifying the availability of telephone devices;
 - g. access to telephones on the same terms as youth who do not have hearing impairments except that to the extent that calls are subject to time limitations, limitations will be extended for reasonable periods as needed for youth using a TTY device;
 - h. additional time to walk to and from the location of a telephone device if a telephone device is not available in the same location as telephones used by who do not have hearing impairments;
 - i. privacy of telephone calls by youth using telephone devices are equal to that of other youths' telephone calls;
 - j. at least one (1) qualified sign language interpreter or one (1) oral interpreter, whichever is appropriate, is retained on call within fifty (50) miles of a facility at which a youth with a hearing impairment resides during those times when a qualified interpreter is not already on the premises;
 - k. an offer of qualified sign language or oral interpreters for youth with a hearing impairment as necessary for effective communication during:
 - 1) admission into a facility, intake and assessment;
 - 2) orientation to a facility or program;
 - 3) the provision of somatic and behavioral health services, including psychological evaluations and treatment;
 - 4) educational classes;
 - 5) all face to face meetings to discuss treatment plans, progress reviews, disciplinary hearings, physical or sexual abuse reports, investigatory interviews, or probation or aftercare plans;
 - 6) individual, group and family therapy sessions and all other group meetings;

- 7) exit interviews; and
- 8) group living/leisure time.
1. A call, as soon as possible if not already on the premises, to the on-call interpreter when
 - 1) a physical or mechanical restraint has been used on a hearing-impaired youth;
 - 2) a hearing-impaired youth has been placed in seclusion; or
 - 3) a hearing-impaired youth indicates that an interpreter is necessary to communicate an urgent matter to staff.
5. Staff transferring a hearing-impaired youth to a non-DJS facility, such as court or a medical facility for an outside medical appointment, shall notify the appropriate official at the subsequent location as to the youth's need for appropriate auxiliary aids and services by placing a telephone call in advance of the transfer.
6. Before releasing a youth with a hearing impairment from custody, the staff discharging the youth shall notify the appropriate official at the subsequent location of the youth's need for auxiliary aids and services for effective communication.
7. If a youth who appears to have a hearing impairment has not requested auxiliary aids or services, the staff having reason to believe that the youth would benefit from appropriate auxiliary aids and services shall inform the youth of the available auxiliary aids and services and shall refer the youth for medical assessment.
8. Staff may not require family members, friends, other youth, or any other individuals who are not qualified interpreters to interpret for a hearing-impaired youth. In residential facilities, other youth may not interpret for a youth who is making an abuse or harassment allegation unless not doing so would compromise the youth's safety, the performance of first responder duties or hinder the investigation of the allegation.
9. Except in a residential facility, staff may permit family members, friends, other youth, or any other individual to interpret for a hearing-impaired youth, provided that staff:
 - a. inform the youth and/or parent or guardian that they may receive language interpretation services at no cost;
 - b. offer the youth and/or parent or guardian language interpretation services and the services are refused;
 - c. determine that the provision of services will not be affected;
 - d. determine, with respect to the circumstances of any refusal of an offered interpretation services, that there is no:
 - 1) coercion;
 - 2) domestic violence or other criminal activity;
 - 3) conflict of interest; or

- 4) potential for a breach of confidentiality;
- e. document the youth and/or parent or guardian's refusal of services and the circumstances in the youth's file and ASSIST; and
- f. require the qualified interpreter to review and sign the **Confidentiality Agreement (Appendix 2) and Orientation and Training Document (Appendix 3).**

B. Responsibilities

1. The Director of Fair Practices shall:
 - a. coordinate the appointment of ADA Coordinators at each DJS facility and region;
 - b. monitor the provision of services to youth with hearing impairments pursuant to the ADA, Section 504 and other applicable law;
 - c. assist ADA coordinators in locating and providing auxiliary aids and services when youth with hearing impairments are identified;
 - d. coordinate training sessions with the Professional Training and Education Unit (PTEU);
 - e. provide recommendations to the Secretary when:
 - 1) a hearing-impaired youth files a grievance regarding an accommodation made or a denial of equal opportunity or access to programs and services;
 - 2) participation by a hearing-impaired youth in a program or service would cause a direct threat to the health or safety he youth or others; or
 - 3) a particular auxiliary aid or service requested might constitute an undue financial burden; and
 - f. provide written reports to the Secretary, as needed, regarding efforts to comply with the ADA, Section 504, and other applicable law.
 - g. File a complaint with the Maryland State Department of Education before the youth's release if appropriate auxiliary aids and services will not be in place by the time the youth is scheduled to attend the public school or state-financed educational program.
 - h. at any time, request copies of the confidentiality and orientation and training records.
2. The Community Intake Officer shall:
 - a. screen youth to determine if they have a hearing impairment and, if so, what auxiliary aids or services are necessary for the youth to benefit from programs and services;
 - b. complete a **Request for Auxiliary Aids and Services Form (Appendix 1)** for youth with hearing impairments if the form has not already been completed; and
 - c. enter in ASSIST an alert including any information obtained from a **Request for Auxiliary Aids and Services Form (Appendix 1).**

3. Residential Admissions Officer shall:
 - a. screen youth to determine if they have a hearing impairment and, if so, identify what auxiliary aids or services are necessary for the youth to benefit from programs and services. In determining what types of auxiliary aids and services are necessary, the admissions officer shall give primary consideration to any requests expressed by the youth;
 - b. ensure that each youth admitted to a DJS facility is assessed no later than twenty-four (24) hours after admission;
 - c. ensure that a **Request for Auxiliary Aids and Services Form (Appendix 1)** is completed as part of the admissions process for each youth identified as having a hearing impairment;
 - d. ensure that a qualified interpreter is present within 72 hours to complete the admission and assessment process once a youth is identified as having a hearing impairment;
 - e. explain to a youth with a hearing impairment that auxiliary aids and services are available at no cost;
 - f. enter in ASSIST any information not already entered; and
 - g. notify the ADA Coordinator and the Superintendent when a youth is identified as having a hearing impairment.

4. The ADA Coordinator at each DJS facility shall:
 - a. coordinate the provision of appropriate auxiliary aids and services upon notification that a youth has a hearing impairment;
 - b. ensure that the **Request for Auxiliary Aids and Services Form (Appendix 1)** has been completed and is in the youth base file;
 - c. track services and submit monthly reports to the Director of Fair Practices on any youth served and efforts to comply with the ADA and Section 504 including any **Request for Auxiliary Aids and Services Forms (Appendix 1)**;
 - d. serve as a resource to staff at their respective facilities on the ADA and Section 504 compliance matters.

5. The Superintendent shall:
 - a. complete a review and retain the **Confidentiality Agreement (Appendix 2) and Orientation and Training Document (Appendix 3)** signed by all qualified sign language and oral interpreters.
 - b. assist, if necessary, the ADA Coordinator after a youth is identified as having a hearing impairment to coordinate the appropriate auxiliary aids and services;
 - c. ensure compliance with the terms of any applicable court order, these procedures, the ADA and Section 504 at their respective facilities; and
 - d. prohibit the use of sanctions to influence a youth's choice of an auxiliary aid or service.

6. Each Facility Case Management Specialist (CMS) at a DJS facility shall:
 - a. ensure that appropriate auxiliary aids and services are in place and, if not, seek assistance from the ADA Coordinator;
 - b. assist the ADA Coordinator in ensuring appropriate auxiliary aids and services are available to youth as required while in the facility; and
 - c. assist the ADA Coordinator in ensuring that subsequent placements are notified and prepared to provide appropriate auxiliary aids and services upon the youth's discharge from the DJS facility.

7. Each Community Case Management Specialist (CMS) shall:
 - a. notify in advance, when possible, the ADA Coordinator or Superintendent at a DJS facility when:
 - 1) a youth has a hearing impairment;
 - 2) an appropriate auxiliary aid or service is needed for a hearing-impaired youth; or
 - 3) made aware of a youth with a hearing impairment being denied access to a particular program or service;
 - b. monitor implementation of an appropriate auxiliary aid or service identified as needed for a youth who is hearing impaired;
 - c. work with the Facility CMS to develop a plan for discharge from a DJS facility;
 - d. verify that a public school or state-financed educational program has appropriate aids and services in place before a youth who is hearing impaired is released;
 - e. communicate with service organizations that serve the hearing-impaired community to locate community service placements for youth with hearing impairments who wish to complete court-ordered community service with such organizations.

8. The Director of the PTEU shall:
 - a. coordinate training for staff who provide programs and services to youth in DJS facilities on obligations under the ADA and Section 504;
 - b. ensure that all staff who have contact with youth in a DJS facility be provided ADA and Section 504 training;
 - c. ensure that each staff person signs a form indicating completion of training and maintain the DJS database with training information.

C. Recordkeeping

1. DJS staff who identify a youth with a hearing impairment shall ensure that a hearing impairment alert and information obtained from the **Request for Auxiliary Aids and Services Form (Appendix 1)** and any communication from a hearing-impaired youth or his or her family is entered in ASSIST. The types of auxiliary aids and services shall be included.

2. Each youth's base file and community file shall contain a print out of the ASSIST information regarding any hearing impairment and a copy of any **Request for Auxiliary Aids and Services Forms (Appendix 1)**.
3. Each DJS facility shall maintain appropriate records in a youth's base file to document specific requests for non-qualified interpreters (i.e., family members), requests for any changes to auxiliary aids or services, and refusals of auxiliary aids or services.

IV. RESPONSIBILITY

Superintendent, Regional Directors, and the Director of the Office of Fair Practices must ensure compliance with this procedure.

V. INTERPRETATION

The Secretary is responsible for interpreting and granting any exceptions to this procedure.

VI. LOCAL OPERATING PROCEDURES

No

VII. DIRECTIVES/POLICIES REFERENCED

None

VIII. APPENDICES

1. Request for Auxiliary Aids and Services Form
2. Confidentiality Agreement
3. Orientation and Training Document



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DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review

SUBJECT: Accessibility for Youth with Hearing Impairments
NUMBER: OPS-911-18
APPLICABLE TO: All staff and private providers
REVISION DATE: May 18, 2018

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.

DEPARTMENT OF JUVENILE SERVICES
REQUEST FOR AUXILIARY AIDS AND SERVICES

Name: _____ ASSIST #: _____
Facility: _____ Date: _____

Federal law requires the Department of Juvenile Services and its vendors to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. Such auxiliary aids and services may include qualified sign language or oral interpreters, note takers, computer-assisted real time transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, videotext displays, and TTYs.

_____ I do not request auxiliary aids or services.

_____ I request auxiliary aids or services as follows:

Youth signature: _____

Parent/guardian signature (if appropriate): _____

DJS signature (if appropriate): _____

Auxiliary Aid Determination

The auxiliary aids and services requested have been:

_____ Approved as requested.

_____ Approved as modified below.

_____ Denied. Reasons for denial specified below:

Signature of ADA Coordinator or Designee: _____

Date: _____

Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Sam Abed
Secretary

INTERPRETER CONFIDENTIALITY AGREEMENT

I hereby agree to maintain the confidentiality of all information discussed or observed while providing language interpretation services for the individual(s) named below. This includes, but is not limited to, all information about services being performed and the identity of those staff and clients present, regardless of perceived importance.

I understand that I may, however, reveal information to (1) the Maryland Department of Juvenile Services (DJS) or its staff or agents; and (2) interpreters employed by the state of Maryland when necessary to best serve DJS staff and its clients in an ongoing interpreting situation or assignment.

Interpretation provided for (Print Name)

Interpreter (Print Name)

Date

Interpreter Signature



Interpreter Orientation and Training

All interpreters will be required to meet with the Superintendent or designee to review this document prior to initially working with youth. Once completed, the Interpreter and a Superintendent or designee shall sign and date the document. The interpreter will receive a copy.

This document shall serve as an outline of facility rules during your service here at the facility. If at any time you deem it necessary to contact the Superintendent, please feel free to do so.

- Always remain in sight and sound distance of Resident Advisors and/or Supervision when working with youth.
- Do not bring any outside items into the facility for youth. All items for youth must be approved by the Superintendent.
- Only items deemed necessary to your work here will be allowed into the facility.
- Please do not allow youth to hold or try on any of your personal items (such as but not limited to; jewelry, watches, pens, jackets etc.)
- No cellphones or cameras are allowed in the facility. This includes watches that contain these features.
- All youth information is **confidential**. (Additional Confidentiality Agreement required)
- If you have any concerns with any youth at, please bring it to the Resident Advisors attention **immediately**. In the event you are not comfortable sharing information with the Resident Advisor, please contact a Supervisor and/or the Superintendent.
- In the event you witness an incident, you will be required to fill out a witness statement (Incident Report).
- Under no circumstances shall you get involved in any incident or enter a youth's room.
- If you are aware of a safety and/or security concern (such as but not limited to; fight, contraband, escape attempt etc.) notify staff **immediately**.



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- Long hair shall be kept in a bun; ponytails are discouraged for safety reasons.
- Any necklaces worn shall be tucked inside shirt out of view of youth.
- Please do not share your personal information with youth. Maintain professional boundaries at all times.
- Always be aware of your surroundings and remain alert.
- When moving throughout the facility with youth, please stay to the rear of the line.
- Please be mindful of the volume of your voice when interpreting.
- In compliance with the **Prison Rape Elimination Act (PREA)** any sexual contact, harassment, references, discrimination etc. is **strictly prohibited** with youth.

INTERPRETER

Print Name: _____

Signature: _____

Date: _____

SUPERINTENDENT OR DESIGNEE

Print Name: _____

Signature: _____

Date: _____