

Disability Rights Wisconsin's Guide to Requesting a Reasonable Accommodation in Correctional Facilities

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice or legal representation. For specific legal advice, please contact an attorney.

Introduction

Section 504 of the Rehabilitation Act of 1973 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives Federal funding. Similarly, Title II of the Americans with Disabilities Act requires public entities to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless the modification would either:

- (1) result in undue financial and administrative burden; or
- (2) fundamentally alter the nature of the service, program, or activity being provided.

This means that you, as a current resident of a correctional facility, have the right to request a reasonable accommodation if you feel you are being denied any program, service, or benefit for a reason that is directly connected to your disability.

Making a Reasonable Accommodation Request

Reasonable Accommodation Requests all follow a similar formula:

[item or service requested] + [connection to disability]

Here are a few examples:

- I would like to be granted access to the elevator because I am in a wheelchair and the only route to the gymnasium has stairs.
- I need access to a sign-language interpreter for medical appointments or other important communications because I am deaf, and my primary language is American Sign Language (ASL).
- I need access to tools or devices that allow me to track my blood sugar because I have diabetes.
- I need to be assigned to a lower bed because I have arthritis and cannot safely or comfortably climb into an upper bed.

Submitting a Reasonable Accommodation Request

You should plan to make a written request. You can request a **Reasonable Accommodation Request Form** from any facility staff member. If you need help filling out the form, the facility's Americans with Disabilities Act (ADA) Coordinator can assist you.

When making a request:

- Only focus on one issue per request.
- The issue should be related to a current problem — not about something that happened in the past.
- Refrain from using inappropriate or threatening language.
- If possible, include medical documentation from the Health Services Unit (HSU) and / or the Psychiatric Services Unit (PSU) to support your request.
- If you are requesting an item, do not focus on a specific brand of item.

Once complete, submit the form to the facility's ADA Coordinator. Keep a copy of the form for your records.

After Your Request is Submitted

The ADA Coordinator will speak with the Health Services Unit or the Psychiatric Services Unit to determine if you have a qualifying disability and whether your related request is reasonable under the law. This part of the process is interactive, so you may be asked additional follow-up questions. Take notes if you are asked to attend any meetings. Include the date, what was discussed, and what decisions were made. This will help keep things on track.

If Your Request is Denied

The facility has the right to deny any request that:

- (1) is not centered around your disability;
- (2) is too expensive;
- (3) would require too much individualized time and attention from staff;
- (4) would require too many changes to the original service, program, or activity, so that it would ultimately lose its intended purpose or value.

If you feel your request was wrongfully denied, you may appeal through the Inmate Complaint Review System. You should carefully follow the policy for filing and appealing grievances, including all deadlines and time limits. You should be as specific as possible in your grievance, including dates and names to the extent they are available. Make sure that you appeal it all the way through each step available in the review process, regardless of the result. This will be important if you decide to file a complaint with the United States Department of Justice or file a lawsuit.