

CHAPTER: 100

Agency Administration/Management

DEPARTMENT ORDER:

**108 – Americans with Disabilities Act
Compliance**

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**DIR
HS**

Arizona Department of Corrections

Department Order Manual



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ACCESS

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Charles L. Ryan, Director

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PURPOSE

This Department Order establishes procedures and standards to ensure, through compliance with the “Americans with Disabilities Act” (ADA), that all job applicants, employees, contractors, visitors and inmates are provided barrier-free access to facilities, services, programs and activities, including extra-curricular activities that are not mandatory but related to the job function, consistent with reasonable accommodation and security requirements. The Department ensures requests for reasonable accommodation are appropriately responded to and documented.

References to health care professional (i.e., Health Services, Mental Health Services, and Dental Services) are referring to the Health Services Contractor or their sub-contractors unless otherwise stated.

APPLICABILITY

This Department Order is applicable to all Department staff, inmates and Department facilities. For issues related to alternative placement of employees, see Department Order #519, Employee Health – State/Federal Programs and Assignments.

As agents of the Department, private prisons are subject to the provisions of the ADA and this Department Order where accessibility issues are concerned. In relation to employment practices, Contract Beds private prison vendors set their own standards, except where contractually obligated, and are responsible for compliance with the statute independent of the Department.

RESPONSIBILITY

The Human Resources and Development Group (HRDG), Human Resources Programs Administrator and/or designee is responsible for approval/denial of each reasonable accommodation decision involving applicants for employment and requests from current employees, to ensure accommodations are appropriate, lawful and do not constitute a direct threat to the Department's operations.

The ADA Coordinator, designated by the Director, and/or designee is responsible for complete oversight for ADA compliance.

- ADA Division Liaisons, designated by Division Directors/Assistant Director, are responsible for coordinating the implementation of ADA-related issues within their assigned division or group.
- ADA Institutional Liaisons, designated by Associate Deputy Wardens at each institution shall be responsible for coordinating the implementation of all ADA-related issues at the institution.

The Human Services Bureau Administrator and hiring authorities, as defined in the Glossary of Terms, are responsible for advising job applicants/employees with disabilities that reasonable accommodations are available to assist them with employment services. Applicants are expected to notify the hiring authority or designee when an accommodation is needed.

PROCEDURES

- 1.0 ACCESSIBILITY** – To access employment and employee related services, persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting a Department staff member, who shall refer the requestor to the appropriate individual. Requests shall be made as early as possible to allow time to arrange for the accommodation.
- 1.1 Division Directors, Assistant Director, Regional Operations Directors, Regional Administrators, Wardens, Deputy Wardens, and Bureau Administrators, or their designees, shall in coordination with the ADA Coordinator and consistent with security requirements:
- 1.1.1 Provide equal opportunity and access through reasonable accommodation, in settings that are as integrated as possible, to all recipients of their function's services, programs and activities, including individuals with disabilities (i.e., employees, inmates, visitors, vendors and contractors).
 - 1.1.2 Permit equal opportunity and access through reasonable accommodation that shall not result in a fundamental alteration of a service, program, activity, or undue financial and/or administrative burden. Accommodations shall be coordinated with the Employee Relations Unit and documented on a Request for Reasonable Accommodation, Form 519-5.
 - 1.1.3 Forward all requests for reasonable accommodation by individuals to the, Human Services Bureau Administrator with a recommended resolution when a recommendation is appropriate. The Human Services Bureau Administrator shall ensure that permitting equal opportunity and access through reasonable accommodation shall not result in undue hardship or a direct threat.
 - 1.1.4 Provide visitors, vendors and contractors, including individuals with disabilities, equal access to services and facilities, consistent with security requirements to include sufficient restrooms, dining areas and parking facilities.
 - 1.1.5 Ensure newly constructed buildings, facilities, leased buildings or relocated programs, services, and processes are free of architectural and communication barriers that restrict access or use by individuals with disabilities.
 - 1.1.6 Document in Section D of the Request for Reasonable Accommodation form, all actions with respect to requests for equal opportunity and access through reasonable accommodation.
 - 1.1.7 Post Attachment A, ADA Notice, in all public access areas, on employee bulletin boards, and at all facilities and program areas designated as accessible for inmates with disabilities.
 - 1.1.8 Ensure Attachment A, ADA Notice, appears in each of the items listed in Attachment B, Notification of ADA Requirements, and any other publications where such notice may be required, in order to notify the public that the Department accommodates the public in accordance with ADA. The notice shall comply with ADA Title II requirements for effective communication by being published and/or presented in alternative formats when appropriate.

1.1.9 Ensure all public meeting notices include the following verbiage: "Persons with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting the Institution where the inmate is located (Name: voice phone number: TDD phone number if appropriate). Requests shall be made as early as possible to allow time to arrange the accommodations".

1.1.9.1 Examples of alternate formats include large print, audio tapes, ASCII computer CD's, and Braille. There is no requirement to have alternate formats pre-positioned.

1.1.10 Ensure all written materials distributed to the public include the following statement: "This document is available in alternative format by contacting the Arizona Department of Corrections Central Office Communications".

2.0 AUXILIARY AIDS AND SERVICES

2.1 Division Directors, Assistant Director, Regional Operations Directors, Regional Administrators, Contract Facility Health Administrators, Wardens, Deputy Wardens, and Bureau Administrators shall:

2.1.1 Consistent with security requirements, provide or allow auxiliary aids and services to individuals with disabilities to enable them to communicate effectively and to participate in or to receive services, programs, and activities. Providing such accommodations shall not result in undue hardship or cause a fundamental alteration to a service, program or activity.

2.1.2 Give primary consideration to the requests of individuals with disabilities. If a request cannot be accommodated, the ADA Coordinator shall be contacted for advice and technical assistance.

2.1.3 Make appropriate auxiliary aids available for hearing-impaired and visually impaired staff, visitors, vendors and contractors.

2.1.4 At ADA-accessible institutions, make Telephonic Devices for the Deaf (TDD) available for hearing impaired staff and visitors.

2.2 Interpreters shall be provided for all processes within the Department when necessary.

3.0 STRUCTURAL CHANGES AND RENOVATIONS/REQUIRED SIGNS

3.1 The Deputy Director through Division Directors/Assistant Director, Regional Operations Directors, Regional Administrators, Contract Facility Health Administrators, Wardens, Deputy Wardens and Bureau Administrators, shall ensure that barriers to programs within facilities, when viewed in their entirety, are identified; time-frames are established for removal of the barriers; and interim solutions/approaches to overcoming the barriers until they can be removed are identified, explained and implemented, in accordance with the ADA, as follows:

3.1.1 For facilities operated and controlled by the Department, the identification of barriers shall be on a building-by-building, institution basis. The identified barriers shall be given an identification number.

- 3.1.2 For private prisons, the identification of barriers shall be accomplished through contact with the owners and through separate reviews of each facility by Department staff.
- 3.1.3 Facilities that were designed, constructed, leased or altered after June 26, 1992, shall be accessible and usable by persons with disabilities, and shall conform to the accessibility standards of the ADA Accessibility Guidelines for Buildings and Facilities, which are contained in Appendix A to Part 36 - Standards for Accessible Design.
- 3.1.4 Alterations to existing buildings shall comply with the guidelines, except where technically infeasible, such as situations in which a physical or site restraint prevents compliance, or where compliance would require removal of a load-bearing part of a structure.

3.2 ADA-Required Signs

- 3.2.1 Raised and Braille characters and pictorial symbol signs, whether letters or numerals, shall be raised 1/32 inch upper case and shall be accompanied by Grade 2 Braille. Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram.
- 3.2.2 The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background, either light characters on a dark background or dark characters on a light background.
- 3.2.3 Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space next to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall.

4.0 INTERACTIVE PROCESS

- 4.1 Employees shall notify the appropriate supervisor or designee when they believe they are in need of a Reasonable Accommodation due to an ADA-related issue.
- 4.2 Supervisors and management shall:
 - 4.2.1 Conduct meeting(s) with the employee in an interactive process to attempt to resolve those issues, answer questions and provide all necessary document and forms.
 - 4.2.2 Initiate contact with the employee as soon as possible after the employee has verbally or in writing indicated they have a disability and is expressing an interest in a Reasonable Accommodation due to their disability or after the employee has submitted an official "Request for Reasonable Accommodation form". Upon receiving such requests, Administrators, managers and supervisors shall contact the Employee Relations Unit for guidance prior to taking any action.
 - 4.2.3 If an attempt to resolve the issue(s) is unsuccessful, continue with attempts to resolve reasonable accommodations.

- 4.2.4 Ensure strict confidentiality is maintained on all employee medical information, medical diagnoses, test results, interpretations of health conditions and the nature of an employee's disability.

5.0 INMATE PLACEMENT/ORIENTATION – Inmates with disabilities shall be afforded opportunity to participate in available services, programs and activities. ADA-qualified inmates shall be eligible to apply for work, provided that their participation does not pose a direct threat to the health or safety of themselves or others.

5.1 Reception Center Processing of Inmates - Initial Assignment – During processing at a Reception Center:

5.1.1 A health care provider shall:

5.1.1.1 Perform an assessment and identify inmates who meet the designated criteria for transfer/placement of disabled inmates (Attachment C, Criteria for Transfer/Placement of Disabled Inmates), and determine if the inmate wishes to voluntarily sign a Waiver of Liability by an Inmate with a Disability, Form 108-2.

5.1.1.2 Assign a medical and health care needs "M" score.

5.1.1.3 Ensure the "M" score and related disability needs information (including the waiver, if signed by the inmate) are relayed to the Offender Services and to the Medical Records Clerk.

5.1.1.4 Enter the disability needs information on the problem list of the inmate's Medical Record.

5.1.2 The Offender Services Bureau Administrator or designee shall, unless the inmate has signed the Waiver of Liability by an Inmate With a Disability form, approve transfer of the inmate from the Reception Center to the appropriate ADA-accessible facility, consistent with the inmate's "M" score and security level as outlined in Attachment D.

5.1.2.1 The Medical Director or designee is authorized to override an inmate's request to waive transfer to an ADA-accessible facility, and to revoke a previously approved waiver.

5.1.2.2 The reasons for authorized overrides or revocation shall be documented in the inmate's Medical Record.

5.1.3 The Medical Records Clerk shall enter the "M" score into the Adult Information Management System (AIMS) Offender Comments screen and indicate this is an inmate with disabilities and file the Waiver of Liability by an Inmate with a Disability form, in the inmate's Medical Record.

5.2 Initial Assignment Review and Assessment for Inmates – Reassessment

- 5.2.1 Upon the inmate's arrival at the new facility, Director of Nursing or designee shall:
 - 5.2.1.1 Perform a chart review and ensure the inmate has all current medications.
 - 5.2.1.2 Complete a nursing assessment within 24 hours after the inmate arrives.
 - 5.2.1.3 Because of the inmate's special needs, instruct the inmate on how to obtain health care services, and document this instruction in the Medical Record.
 - 5.2.1.4 Ensure the inmate is scheduled to see the health care provider, for continuity of care, within 14 workdays after arrival at the new facility.
- 5.2.2 When reassessing and reevaluating an institutional assignment:
 - 5.2.2.1 A health care provider shall:
 - 5.2.2.1.1 Assign a revised "M" score, if appropriate.
 - 5.2.2.1.2 Immediately notify the Nursing Supervisor if the "M" score is revised and reassessment and reevaluation reveal that the special bed or housing placement for the disabled inmate is no longer appropriate.
 - 5.2.2.1.3 Enter the revised disability needs information on the problem list of the inmate's Medical Record.
 - 5.2.2.1.4 Ensure the revised "M" score and related disability needs information is relayed to the Medical Records Clerk.
 - 5.2.2.2 The Nursing Supervisor shall notify the Contract Facility Health Administrator or the Director of Nursing immediately after receiving the revised "M" score and related disability needs information from the health care provider.
 - 5.2.2.3 The Contract Facility Health Administrator or the Nursing Supervisor or designee shall complete the Inmate Transfer for Medical Reasons, Form 108-3, and then forward it to the Offender Services Bureau (unless the inmate signs or has previously signed a Waiver of Liability by an Inmate with a Disability form).
 - 5.2.2.4 The Offender Services Bureau Administrator shall ensure the inmate is appropriately assigned. Inmates who have signed the Waiver of Liability by an Inmate with a Disability form shall not be transferred for the sole purpose of accommodating the inmate's disability.
 - 5.2.2.5 The Medical Records Clerk shall enter the revised "M" score into the AIMS Offender Comments screen and indicate that this is or was an inmate with disabilities.

5.3 Transfer of Inmates to a Designated Accessible Institution

- 5.3.1 A health care provider or Nursing Supervisor shall identify inmates who meet the designated criteria for transfer/placement of disabled inmates.
- 5.3.2 Correctional and Health Services staff may also request a reassessment through the Contract Facility Health Administrator. The Contract Facility Health Administrator shall notify the Nursing Supervisor of the need for the assessment.
- 5.3.3 Within seven work days after the inmate with disabilities is identified or the request is received, a health care provider or Nursing Supervisor shall assess the inmate and complete the Functional Assessment, Form 108-1, and shall:
 - 5.3.3.1 Determine whether the inmate meets the mental status criteria.
 - 5.3.3.2 Determine if the inmate has a disability that requires the inmate to be transferred to an ADA-accessible facility, and whether or not the inmate has signed or wishes to voluntarily sign a Waiver of Liability by an Inmate with a Disability form.
 - 5.3.3.3 Immediately after completing the assessment, forward all related documentation to the Health Services Coordinator or designee.
- 5.3.4 Upon receipt of all substantiating documentation, the Health Services Coordinator or designee shall:
 - 5.3.4.1 Review all substantiating documentation for transfer to ascertain that criteria are met.
 - 5.3.4.2 Complete an Inmate Transfer for Medical Reasons form (unless the inmate has signed the Waiver of Liability by an Inmate with a Disability form) and then consult with the Health Services Coordinator for approval.
 - 5.3.4.3 Upon approval, forward the request to the Offender Services Bureau.
- 5.3.5 The Offender Services Bureau Administrator shall ensure the inmate is appropriately transferred.

5.4 Initial Orientation for Inmates – Applicable written instructions shall be communicated during initial orientation for those inmates who are vision impaired (read aloud) or hearing impaired (provided in writing).

- 5.4.1 Processing staff shall ensure inmates understand orientation materials that are read aloud.
- 5.4.2 Hearing impaired inmates shall receive a translation of orientation materials in any auxiliary method of communication that reasonably meets the inmate's need.
- 5.4.3 ADA qualified inmates who use wheelchairs shall be transported in appropriately equipped vehicles.

5.5 Division Directors, Assistant Director, Regional Operations Directors, Regional Administrators, Contract Facility Health Administrators, Wardens, Deputy Wardens, and Bureau Administrators shall:

5.5.1 Make appropriate auxiliary aids available for inmates at designated ADA facilities, special service beds and complexes.

5.5.2 At ADA-accessible institutions, make Telephonic Devices for the Deaf (TDD) available for hearing impaired inmates. At institutions that are not designated as ADA-accessible, the TDDs shall not be available to inmates including those who have signed the waiver.

6.0 INFORMATION/DISPUTE RESOLUTION/GRIEVANCES

6.1 Employees, applicants, inmates and visitors who wish to review or provide input in the Title II self-survey or this Department Order may make their needs and preferences known to the ADA Coordinator.

6.2 Employees

6.2.1 Employees and applicants with disabilities who need reasonable accommodation, including but not limited to auxiliary aids, shall be invited to make their needs and preferences known to the ADA Coordinator if they were not resolved in accordance with section 1.0 of this Department Order.

6.2.2 Except as provided in section 1.0, concerns or requests for information regarding compliance with ADA shall be forwarded to the appropriate ADA Liaison, who shall ensure the facts of the situation and recommended action are provided to the Warden, Bureau Administrator, Division Director/Assistant Director or Deputy Director.

6.2.3 Employees may grieve allegations of ADA Non-Compliance as outlined in Department Order #517, Employee Grievances.

6.3 Inmates

6.3.1 Inmates and visitors with disabilities shall be invited to make their needs and preferences known to the ADA Coordinator if their accommodations (including but not limited to auxiliary aids in programs, services or processes) or their concerns or requests for information regarding an area's/institution's/division's compliance with ADA were not resolved by the Warden, Contract Facility Health Administrator, Bureau Administrator, Division Director/Assistant Director or Deputy Director in accordance with this section.

6.3.2 Wardens, Deputy Wardens, Contract Facility Health Administrators and ADA Liaisons shall refer inmates with disabilities who believe they have been discriminated against because of their disability to the inmate grievance system as outlined in Department Order #802, Inmate Grievance Procedure.

- 6.3.3 Inmates with disabilities who disagree with the final disposition of their grievance may submit an Inmate Letter, Form 916-1, to the ADA Coordinator to seek resolution. Corresponding inmates shall follow Department Order #916, Staff - Inmate Communications, when communicating these issues.

7.0 COMPLAINTS FROM THE PUBLIC – Staff shall refer members of the public who believe they have been discriminated against because of their disability to the ADA Coordinator. The ADA Coordinator shall ensure the following procedures are initiated:

- 7.1 Complaints shall be in writing and contain information about the alleged discrimination, such as name, address, phone number of the complainant and the location, date and description of the problem.
- 7.2 Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint, shall be made available for persons with disabilities, upon request.
- 7.3 The complainant shall submit the complaint to the ADA Coordinator (Attachment A, ADA Notice), as soon as possible but no later than 60 calendar days after the alleged violation.
 - 7.3.1 Within 15 calendar days after receipt of the complaint, the ADA Coordinator shall meet with the complainant to discuss the complaint and possible resolutions.
 - 7.3.2 Within 15 calendar days after the meeting, the ADA Coordinator shall respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response shall explain the Department's position and offer options for resolution of the complaint.
 - 7.3.3 If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision of the ADA Coordinator to the Director within 15 calendar days after receipt of the response.
 - 7.3.4 Within 15 calendar days after receipt of the appeal, the Director or designee shall investigate the complaint and meet with the complainant to discuss the complaint and possible resolutions.
 - 7.3.5 Within 15 calendar days after the meeting, the Director or designee shall respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. Files of all written complaints, and all appeals to and responses from the Director, shall be retained by the ADA Coordinator for three years.

IMPLEMENTATION

The Human Services Bureau Administrator shall ensure appropriate ADA training is made available for ADA liaisons. Each liaison is responsible for attending training as needed; the ADA Coordinator may facilitate training as needed.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

ATTACHMENTS

Attachment A - Americans with Disabilities Act (ADA) Notice

Attachment B - Notification of ADA Requirements

Attachment C - Criteria for Transfer/Placement of Disabled Inmates

Attachment D - Inmate ADA Bed Distribution

FORMS LIST

108-1- Functional Assessment

108-2- Waiver of Liability by an Inmate with a Disability

108-3- Inmate Transfer for Medical Reason

AUTHORITY

A.R.S. §41-1492 et seq., Public Accommodation and Services (Americans With Disabilities Act of 1992)

Americans with Disabilities Act of 1990, Titles I-V

Rehabilitation Act of 1973

ATTACHMENT A

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE¹

The Arizona Department of Corrections does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or processes, including its hiring or employment practices. Questions, concerns, complaints, or requests for information regarding this Institution's (or Division's) compliance with ADA may be forwarded to the Institution's (or Division's) ADA Liaison listed below.

INSTITUTIONAL (OR DIVISION) ADA LIAISON

Name:
Title:
Office Address:
Telephone Number:

Days/Hours Available: Monday through Friday (except holidays), 8:00 AM - 5:00 PM

DEPARTMENT ADA COORDINATOR

Individuals with additional questions, concerns, complaints, or requests for information regarding this Institution's (or Division's) compliance with ADA, or who wish to review or provide input into the Title II self-survey or this Department Order, may forward their requests to the Department's ADA Coordinator. Individuals with disabilities who need accommodations, including but not limited to auxiliary aids for effective communication or participation in programs, services or processes, are invited to make their needs and preferences known to the ADA Coordinator.

Name: Human Resources and Development Group
Human Resources Programs Administrator
Office Address: Arizona Department of Corrections
1601 West Jefferson Street
Phoenix, Arizona 85007
Telephone Number: (602) 542-3161

TDD: Arizona Relay Services
(800) 367-8939
(800) 842-4681 (voice)

Days/Hours Available: Monday through Friday (except holidays), 8:00 AM - 5:00 PM

¹ This notice is provided as required by Title II of the Americans With Disabilities Act.

ATTACHMENT B

NOTIFICATION OF ADA REQUIREMENTS

In accordance with the Americans With Disabilities Act (ADA), the Department provides information on ADA to job applicants, staff, inmates, volunteers, and the public at large in at least one of the following ways. The development of all indicated types of communications shall include the appropriate statement of accessibility, as follows:

These documents are available in alternate formats upon request.

Persons with a disability may request reasonable accommodation, such as a sign language interpreter, by contacting the Department. Requests should be made as early as possible to allow time to arrange the accommodation.

INDIVIDUAL	MEANS OF COMMUNICATION
Employees	Employee Handbook ADC Post (Directions newsletters) System of Written Instructions Announcements at meetings and in memos
Inmates	Inmate Handbook Posting at all institutions and parole offices Announcements Inmate institutional newspaper Program activities - ADA designated institutions Newspaper advertisements
Applicants or Potential Applicants	Inclusion with application Posting of the ADA notice on job boards Public service announcements
Public	Newspaper legal notice Posting at Central Office, institutions and parole offices Public service announcements Brochures, pamphlets, manuals Visitation Public access areas at institutions Correctional Officer Training Academy Training rooms

ATTACHMENT C

CRITERIA FOR TRANSFER/PLACEMENT OF DISABLED INMATES

FUNCTIONAL ASSESSMENT	
LIMITATIONS	<ul style="list-style-type: none">• Endurance (able to walk less than 200 feet)• Paralysis• Amputee• Hearing Impairment• Speech Impairment• Visual Impairment
SAFETY PRECAUTIONS	<ul style="list-style-type: none">• Oxygen via Concentrator• Treatment Plan on Outpatient Basis
ACTIVITIES OF DAILY LIVING; MAJOR LIFE ACTIVITIES	<ul style="list-style-type: none">• Wheelchair-dependent• Dependent with:<ul style="list-style-type: none">• Ambulation• Transfers• Hygiene• Bathing• Feeding• Toilet requirements

ATTACHMENT D

INMATE BED DISTRIBUTION

COMPLEX	UNIT	LEVEL	SEX	BEDS
Eyman	Meadows	3	M	46
	SMU I	5	M	12
	SMU II	5	M	08
	Cook	3	M	46
	Rynning	4	M	12
				Sub-Total 124
Florence	East	3	M	66
	South	3	M	90
	Central Health Unit	5	M	14
	Central HU - 8	5	M	22
				Sub-Total 192
Lewis	Morey	4	M	32
	Morey CDU	5	M	02
	Buckley	4	M	32
	Stiner	2	M	391
	Stiner	3	M	342
	Stiner CDU	5	M	04
	Barchey	3	M	900
	Bachman	2	M	24
	Bachman CDU	5	M	04
				Sub-Total 1731
Perryville	Lumley	3,4,5	F	06
	Santa Cruz	1,2,3	F	06
	San Pedro	2	F	06
	Santa Maria	2	F	12
	Minors Unit*	N/A	F	* 1 ADA Shower
				Sub-Total 30
Tucson	Manzanita	3	M	08
	Winchester	3	M	12
	Rincon (Special Needs)	4	M	86
				Sub-Total

				106
Yuma	La Paz	2	M	40
	Cibola	3	M	40
	Dakota	4	M	16
	Dakota DDU	5	M	02
				Sub-Total 98
TOTAL BEDS: 2281				