



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530*

December 15, 2022

Attorney General Treg Taylor
1031 W. 4th Avenue Suite 200
Anchorage, AK 99501

Re: Notice Regarding Investigation of Alaska's Use of Institutions to Serve Children with Behavioral Health Disabilities

Dear Attorney General Taylor:

The Department of Justice has completed its investigation into the State's compliance with the integration requirement of Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134 regarding children with behavioral health disabilities. The investigation originated from a complaint received by the Department.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that the State of Alaska violates Title II of the ADA by failing to provide services to children with behavioral health disabilities in the most integrated setting appropriate to their needs. Consistent with the ADA's regulations, this Report includes our findings of fact and conclusions of law, and the measures that we believe will remedy the alleged violations.

We thank the State for cooperating with our investigation and providing access to staff, documents, and data. We would like to work with the State to achieve a consensual resolution of the issues raised in this Report. The lawyers assigned to this investigation will contact counsel for the State for such discussions. We anticipate that these negotiations will, as in most of our cases, result in an agreement to resolve these issues. In the unexpected event we are unable to reach a resolution regarding our concerns, we are obliged to advise you that we may take appropriate action, including initiation of a lawsuit, to ensure the State's compliance with the ADA. In addition, the complainant to our agency maintains the right to file a lawsuit at any time, *see* 28 C.F.R. § 35.172 (d). Please also note that this Report is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions regarding this correspondence, please call Steven H. Rosenbaum, Chief of the Special Litigation Section, at (202) 616-7157.

Sincerely,

/s/ Kristen Clarke

Kristen Clarke
Assistant Attorney General
Civil Rights Division

cc: Heidi Hedberg
Acting Commissioner, Alaska Department of Health

Kim Kovol
Commissioner, Alaska Department of Family and Community Services

S. Lane Tucker
United States Attorney, District of Alaska