



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

January 2, 2013

OHCHR REGISTRY

Mr. Juan E. Mendez
Special Rapporteur on torture and other cruel,
inhuman or degrading treatment or punishment
Office of the United Nations High Commissioner for Human Rights

15 JAN 2013

Recipients : SPB
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Mr. Anand Grover
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health
Office of the United Nations High Commissioner for Human Rights

Dear Messrs. Mendez and Grover,

This letter is submitted in response to your letter dated June 11, 2012 concerning “the treatment suffered by children and young adults enrolled in the residential programme of the Judge Rotenberg Center (JRC)” located in Canton, Massachusetts. The Department of State has provided your letter to various federal and state entities in order to obtain information related to the allegations contained therein. The entities which we have communicated on this matter include the United States Department of Justice (DOJ), the United States Food and Drug Administration (FDA), the New York State Department of Health (DOH) and the governor’s Special Advisor on Vulnerable Persons, and the Commonwealth of Massachusetts’ Department of Developmental Services (DDS).

By way of background, the Individuals with Disabilities Education Act (IDEA) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. IDEA requires public school systems to develop appropriate Individualized Education Programs (IEPs) for each child with a disability who requires special education and related services. The specific special education and related services outlined in each IEP reflect the individualized needs of each student. Each student’s IEP must be developed by a team of knowledgeable persons and must be reviewed at least annually. The team includes the child’s teacher; the parents, subject to certain very limited exceptions; the child, if determined appropriate; a qualified agency representative; and other individuals at the parents’ or agency’s discretion. If parents disagree with the proposed IEP, they can request a due process hearing and a review from the state educational agency if applicable in that state and can appeal the state agency’s decision to state or federal court.