



State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER TWENTY-SEVEN

- WHEREAS,** the State of Iowa enjoys a proud history of nurturing independence, encouraging education and productivity, and welcoming individuals of diverse backgrounds, abilities, and needs into our communities to share in our exemplary quality of life; and
- WHEREAS,** the State of Iowa is committed to ensuring that inclusive, community-based living alternatives are available to individuals with disabilities and long-term illnesses; and
- WHEREAS,** the State of Iowa recognizes that such services advance the best interests of all Iowans by fostering independence, productivity, and participation in community life for Iowans with disabilities and long-term illnesses; and
- WHEREAS,** the unnecessary and unjustified segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. §§ 12101 *et seq.*, which requires that states and localities administer their programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities; and
- WHEREAS,** in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the "*Olmstead* decision"), the United States Supreme Court interpreted Title II of the ADA to require States to place qualified individuals with disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities; and
- WHEREAS,** the State of Iowa has taken affirmative steps in response to the *Olmstead* decision, including: (1) designating the Iowa Department of Human Services as the State's lead agency in developing and implementing an *Olmstead* plan for Iowa; (2) compiling a report on the service delivery system in Iowa prior to the *Olmstead* decision; (3) convening twenty public meetings to gather input from consumers and other stakeholders for the development of a comprehensive, effectively working plan to provide services to qualified individuals with disabilities in Iowa; (4) establishing a statewide steering committee to oversee plan development; (5) distributing the resulting Iowa Plan for Community Development; (6) convening the *Olmstead* Real Choices Consumer Task Force to oversee plan implementation; and (7) and applying for and receiving federal funding through the Real Choices System Change Grant to aid in the development of community living alternatives in Iowa; and
- WHEREAS,** barriers to community living still exist for individuals with disabilities and long term illnesses in Iowa; and

WHEREAS, the State of Iowa must continue to move purposefully to swiftly implement the *Olmstead* decision through the coordinated efforts of designated State agencies, so as to help ensure that all Iowans have the opportunity to live close to their family and friends, to live more independently, to engage in productive employment, and to participate in community life; and

WHEREAS, a comprehensive and coordinated effort by designated State agencies is called for to develop strategies for re-shaping the structure and nature of community-based services for individuals with disabilities within the State of Iowa:

NOW, THEREFORE, I, Thomas J. Vilsack, Governor of the State of Iowa, by the power vested in me by the laws and the Constitution of the State of Iowa, do hereby order and direct the heads of the following state agencies to undertake steps to identify and address barriers to community living for individuals with disabilities and long term illnesses in Iowa:

Board of Regents
Department for the Blind
Department of Civil Rights
Department of Corrections
Department of Economic Development
Department of Education
Department of Elder Affairs
Department of General Services
Department of Human Rights
Department of Human Services
Department of Inspections and Appeals
Department of Management
Department of Personnel
Department of Public Health
Department of Public Safety
Department of Transportation
Department of Veterans Affairs
Department of Workforce Development
Iowa Finance Authority
Iowa Veterans Home

- I. Each agency head shall designate a representative to evaluate policies, programs, statutes, and regulations of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities. This workgroup of agency representatives shall work together and with the Governor's Office to seek input from consumers, advocacy organizations, providers, and relevant agency representatives while conducting this review. Together, this group shall develop a state plan to address the barriers identified. An initial plan shall be developed within 120 days.
- II. State agency heads shall (1) draw upon existing resources, including the Iowa Plan for Community Development and the *Olmstead* Real Choices Consumer Task Force, to identify and prioritize the existing barriers to community living for individuals with disabilities in Iowa; (2) engage in planning activities to ensure that the resources of each State agency are utilized in the most efficient and effective manner to support the goals of the ADA; (3) identify and utilize federal funding opportunities for the support of *Olmstead*-related activities within the State of Iowa.

- III. The *Olmstead* Real Choices Consumer Task Force and the Department of Human Services shall advise the Governor's Office on workable strategies for addressing barriers to community integration for individuals with disabilities and for developing a well-coordinated and seamless service delivery system, wherein State agencies, counties, and localities work together in a more cohesive manner to deliver needed services, including the identification of specific state law, administrative rules, or policy changes that could eliminate existing barriers, and recommended strategies for on-going communication and coordination of efforts between agencies.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 4th day of February, in the year of our Lord two thousand three.



THOMAS J. VILSACK
GOVERNOR

ATTEST:

CHESTER J. CULVER
SECRETARY OF STATE