

Olmstead Decision
A One-Page Summary of Current Activity

Olmstead v. LC U.S. 571 Decision (1999) is an interpretation of the “integration mandate” in Title II of the Americans with Disabilities Act (ADA) (1990) based on a suit filed in Georgia on behalf of two women. The ADA’s regulations indicate that states must “administer services, program, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 C.F.R. 35.130(d).

In 2011 the Department of Justice updated their guidance on the ADA’s mandate, as interpreted in Olmstead and incorporated in DOJ regulations. This guidance, *Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.*, (www.ada.gov/olmstead/q_olmstead.htm), makes is clear that the mandate applies equally to work and employment supports as it does to living and residential supports.

Other Recent Activity

Last week, on **Wednesday, January 25th** a class action suit was filed against the Governor of Oregon, the Director of Oregon Department of Human Services, the Administrator of the Office of Developmental Disabilities and the Administrator of the Office of Vocational Rehabilitation Services for unnecessary segregation due to lack of meaningful supported employment services.

Last week, **Thursday January 26th**, the office of Public Affairs of the DOJ released a statement announcing its comprehensive settlement agreement with Virginia. As noted in the agreement which expands integrated services, Virginia will also offer supports for community living, including supported employment. It requires the state to develop and implement an “Employment First” policy to prioritize and expand meaningful work opportunities.

July, 2011, DOJ entered into a Settlement Agreement with Delaware resolving the investigation into whether or not individuals with mental illness were being served in the most integrated settings appropriate to their needs. In addition to Delaware creating a comprehensive community crisis system, 2 walk-in crisis centers and short-term crisis stabilization units, they will also develop supported employment services.

July, 2010, DOL entered into a comprehensive Settlement Agreement with the state of Georgia resolving the investigation that individuals with mental illness and developmental disabilities living in state hospitals were unnecessarily institutionalized. For individuals with mental illness the Agreement calls for the state to develop, among other things, supported employment services.

Majority of information regarding cases taken from: www.ada.gov/olmstead/index.htm.