

Olmstead: Community Integration for Everyone

The U.S. Supreme Court's 1999 landmark **decision** in **Olmstead v. L.C. (Olmstead)** found the unjustified segregation of people with disabilities is a form of unlawful discrimination under the Americans with Disabilities Act (ADA). ... This principle is central to the Supreme Court's **Olmstead decision**.

About *Olmstead*

The story of the Olmstead case begins with two women, Lois Curtis and Elaine Wilson, who had mental illness and developmental disabilities, and were voluntarily admitted to the psychiatric unit in the State-run Georgia Regional Hospital. Following the women's medical treatment there, mental health professionals stated that each was ready to move to a community-based program. However, the women remained confined in the institution, each for several years after the initial treatment was concluded. They filed suit under the Americans with Disabilities Act (ADA) for release from the hospital.

The Decision

On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified segregation of persons with disabilities constitutes discrimination in violation of title II of the Americans with Disabilities Act. The Court held that public entities must provide community-based services to persons with disabilities when (1) such services are appropriate; (2) the affected persons do not oppose community-based treatment; and (3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

The Supreme Court explained that its holding "reflects two evident judgments." First, "institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life." Second, "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

The Olmstead decision encompasses the full range of community life from living arrangements, employment options, access to medical treatment, leisure activities and access to friends and family. This may all appear to be self evident, but is not universally available to many persons with disabilities because of the severity of their disability condition, availability of family or other in-kind support, geographic location and state and local financial limitations.

Excerpt from ADA.gov

A Look Back on a Journey Forward...

Disability rights movement is fueled by aspirations to implement the laws, rules, policies and practices that have been litigated, updated, reauthorized and repealed across time. Society has grown and developed more respect for the aspirations of persons with disabilities to claim their rights to an integrated life in the community with the services and supports to participate in the full range of community life.

It took 100 years until the 1960 before the Social Security entitlement program was expanded to include support for people living in poverty and those with disabilities. Eligibility for these benefits were based on a medical model that continued to endorse the expectation that persons with disabilities would adjust to the world of those without disabilities. Given the limits of medical science and technology at the time, society continued to respond with separate housing, employment and education for persons with disabilities

Over the past 50 years policies and attitudes toward people with disabilities have changed significantly. Disability conditions were seen as defects that the person needed to overcome in order to fit in with the non disabled. Disabilities were also seen as needing protection which frequently came in the form of separation from the mainstream which resulted in isolation and unequal treatment in housing, health care, work opportunities and conditions and basically the full access to the life options available to those without disabilities.

People with significant disability conditions were assumed to need and be entitled to access segregated work with below minimum wage compensation, if any. While a continuum of options for work and rehabilitation is appropriate, there has been a long standing over reliance on segregated settings including sheltered workshops and facility based day programs. Ohio has now embraced an active movement across the state to support and encourage access to integrated employment and other community activities of interest to persons with disabilities.

By 1970's many groups including persons with disabilities, racial minorities and women were organizing to address the discrimination they were experiencing in their access to opportunities and resources in society. The efforts of these groups produced a rights based approach to advocate for change in laws, rules, policies to legally change the way these groups are regarded and establish a right to equal opportunities in housing, education, employment and many other public accommodations and opportunities available to others in society.

In 1990 the disability movement achieved the passage of the Americans with Disabilities Act (ADA) which includes a mandate for self-determination, equal opportunity, and societal inclusiveness. It establishes not only the right of persons with disabilities to have access to the activities, programs and services of society, but the obligation of both public and private entities to avoid discrimination in their policies and operations.

Education has mirrored this movement in 1975 with the establishment of P.L. 94-142, now reauthorized as the Individuals with Disability Education Act, (IDEA) the requirement for states

and local school districts to provide special education and related services to students with disabilities in the least restrictive environment. Special education plays an essential role in preparing children and youth the live, the integrated lives in the community with the supports they need to be healthy and safe while they pursue their vision of happiness.

Transition services provided through special education both inform and prepare students with disabilities to move successfully from school to community to pursue integrated, competitive employment as a first goal and supported employment in the least restrictive environment available. Schools are moving forward toward the true expectation to prepare all students for a meaningful life in the community afterschool. This has taken the form of extending their services to the community and forming meaningful partnerships with other public agencies and commercial partners that can provide opportunities for internships and work experience prior to graduation.

Many persons with disabilities will also connect with Opportunities for Ohioans with Disabilities (OOD) for assistance to prepare, secure and retain employment with a variety of services including education, mentoring, job coaching and assistive technology to support integrated community employment. There was a time when many persons with developmental disabilities and mental illness were routinely determined to be “too disabled to benefit” from rehabilitation services to prepare for competitive work in integrated community settings. The ADA and Olmstead have expanded the expectations for services and supports for many persons with disabilities to be employed across a range of circumstances from full to part time, and seasonal work as well as exploring options for small business /self-employment who had not previously been served.

Others will be eligible for support from the Ohio Department of Developmental Disabilities (ODD) for waivers and supported living resources to maintain access to a meaningful life in the community. These and many other services and programs will be used for temporary or permeant needs across the lifespan including employment. The challenge remains to determine how to reallocate our resources across an ever-growing population of eligible persons with disabilities who want to determine their own lives to take advantage of the technological resources that become available everyday.

Adults allocate a significant portion of their lives to work and youth are more focused on preparing to work. A meaningful part of living an integrated life in the community is participating in some type of work. At one time there was no expectation that persons with many developmental disabilities were capable of participating in work in the community. They were literally and figuratively sheltered from that expectation in workshops and day habilitation centers. We now recognize that persons with disabilities have a right to participate in the workforce to receive both the financial and social benefits that are available to those without disabilities.. Work not only offers a means to contribute to your own support, but also increases

self-esteem and independence. Work offers the opportunity to continue expanding the circle of friends and acquaintances beyond school for temporary and lifelong relationships. The endorsement of Congress followed by the affirmation of the Supreme Court of the United States has clarified the application of the principals of integration across all areas of life.

Children and youth with disabilities attend school in the least restrictive environment appropriate for their needs. Public entities and businesses must take steps not to discriminate against individuals with disabilities in the delivery of their programs and services. Medical services also have an obligation to avoid discrimination in the acceptance of patients and their treatment. Persons with disabilities, even those with guardians are eligible to vote under most circumstances. There are long standing laws that prohibit discrimination in housing and public accommodations.

The legacy of the ADA and Olmstead has lead to changes in laws, policies practices and services. Most importantly, it has increased awareness of the rights of persons with disabilities to both benefit from the resources and opportunities provided by an integrated life in the community, but also contribute and provide benefit to any community that is fortunate enough to have them living there. The challenges to meet the needs for transportation, personal care, assistive technology, education, housing and the full range of services and supports to provide integrated services to an ever growing population of eligible persons with disabilities continues. Honor your rights by taking responsibility to stay the course keep the progress going...

Thank you.

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