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1973

Rehabilitation
Act of 1973

ADA Signed

1990

1999

Olmstead v. L.C.

ND Olmstead
Commission Created

2001

Rehabilitation Act of 1973

Federal civil rights law that prohibits discrimination based on disability in programs and activities conducted by federal agencies, receiving federal financial assistance, or carried out by federal contractors.



Signed September 26, 1973

Americans with Disabilities Act (ADA)

Federal civil rights law that prohibits discrimination against individuals with disabilities in everyday activities. It guarantees that individuals with disabilities have the same opportunities as everyone else to enjoy employment opportunities, purchase goods and services, and participate in state and local government programs.



Signed July 26, 1990

Americans with Disabilities Act (ADA)

A person with a disability is someone who:

Has a physical or mental impairment that substantially limits one or more major life activities,

Has a history or record of such an impairment,

-OR-

Is perceived by others as having such an impairment.

Americans with Disabilities Act (ADA)

- Requires public entities to give individuals with disabilities equal opportunity to benefit from their programs, services, and activities.
- Covers all activities of state & local governments, regardless of the entity's size or receipt of federal funding.
- Prohibits discrimination by public entities and requires services to be administered in the most integrated setting.



Lois Curtis & Elaine Wilson

Lois Curtis and Elaine Wilson, two women with disabilities, sued Georgia officials after being kept in a psychiatric hospital for years despite doctors saying they were ready for community-based care. An Atlanta legal aid attorney filed the lawsuit on behalf of Lois and Elaine, arguing that, under the ADA, the state was required to provide supports and serve the plaintiffs in the community rather than confining them in an institution. Additionally, the argument was made that community-based treatment is more cost-effective.

Olmstead v. L.C.

The women believed, and the U.S. Supreme Court agreed, that they had the fundamental right to community-based living and treatment.



On June 22, 1999, in a 6-3 decision, the U.S. Supreme Court ruled that unjustified segregation of persons with disabilities is discrimination in violation of Title II of the ADA.

Olmstead v. L.C.

Public entities *MUST* provide community-based services to individuals with disabilities when:

1. Community-based services are appropriate for the individual;
2. The individual does not oppose community-based treatment; and
3. Community-based treatment can be reasonably accommodated, considering the resources available to the State and the needs of others receiving disability services.

Olmstead v. L.C.



“Unnecessary segregation of persons with mental disabilities perpetuates unwarranted assumptions that such persons are unfit or unworthy of participating in community life.”

-Justice Ruth Bader Ginsburg



Integration Mandate

Legal principle rooted in the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), and it is most directly tied to the U.S. Supreme Court's 1999 Olmstead decision. The most integrated setting is defined as "a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible."

Integrated Settings:

- Access to mainstream society
- Settings where individuals with and without disabilities live
- Participation in jobs and activities that match interest of the individual
- Choice: the individual with disability decides when, where, how, and with whom to live, learn, work, and play

Segregated Settings:

- Exclusively or primarily for individuals with disabilities
- Regimented daily activities
- Lack of privacy or autonomy
- Settings that provide activities primarily with other individuals with disabilities



Why it matters:



Before the ADA and the Olmstead decision, large scale asylums were used for individuals with mental health conditions and other disabilities.

Nursing facilities became the primary institutions for the aging population and individuals with physical disabilities during the 1950s & 60s.

Psychiatric institutions grew until public policy moved toward deinstitutionalization in the 1970's.

“Those that fail to learn from history are doomed to repeat it.”

- Winston Churchill



ND Olmstead Commission

Executive Order
Creates ND
Olmstead
Commission
(2001)

Olmstead Plan
revised in
2024

Olmstead
Advisory
Council

Inquiry
Process

Executive Order

- The ND Olmstead Commission was established in 2001 by Governor John Hoeven to develop a plan for implementing the Olmstead decision, ensuring community-based placements for individuals with disabilities based on state needs and resources.
- In 2002, the Olmstead Commission held public meetings statewide to gather input and create a work plan outlining past efforts to support individuals in less restrictive settings.
- Ongoing executive orders have maintained the Olmstead Commission and updated its membership. The 2018 order allowed for subgroups to gather input on key areas, while the 2024 order set the commission's structure at 11 voting and 8 nonvoting members.



Commission Membership

Voting members include:

1. A co-chair representative of the public at large;
2. A co-chair representative from the Office of the Governor;
3. A member of the ND Senate;
4. A member of the ND House of Representatives;
5. A representative of the Judicial Branch;
6. A representative of access to core services;
7. A representative of a disability group;
8. A representative of a disability group;
9. A representative of access to services and supports;
10. A representative of affordable and accessible living; and
11. A representative of the public at large.

Nonvoting members from the following agencies:

1. Department of Labor and Human Rights
2. Department of Health and Human Services;
3. Department of Public Instruction;
4. Department of Commerce;
5. Job Service ND;
6. Department of Transportation;
7. ND Indian Affairs Commission;
8. ND Industrial Commission, Housing Finance Agency.



2024 Olmstead Plan

1. Expand and improve transitions from facilities to the most integrated settings.
2. Foster self-determination and informed choices.
3. Create and maintain person-centered practices.
4. Improve and expand housing options.
5. Strengthen direct service workforce.
6. Improve and expand transportation options.
7. Increase employment opportunities and incomes.
8. Strengthen inclusive education.
9. Improve and expand access to healthcare.

Scan for full Olmstead Plan:



Advisory Council

I am interested and eligible to serve on the Advisory Council because I am: (mark all that apply)

- ☐ A health care professional
- ☐ A provider of disability-related services
- ☐ Knowledgeable about disabilities
- ☐ A present or past recipient of disability-related services
- ☐ A family member of an individual who is a present or past recipient of disability-related services
- ☐ A family member who is a primary care giver for a minor child or youth who is a present or past recipient of disability-related services

More information:



Olmstead Inquiries



The North Dakota Olmstead Commission

The Olmstead Commission's goal is to move North Dakota forward towards greater integration and inclusion for individuals with disabilities with respect to community services and supports, employment, education, healthcare, housing and transportation.

Olmstead Inquiries

Olmstead Inquiry Process

What is an inquiry?

- An inquiry is an act of asking for information.
- An inquiry process allows the North Dakota Olmstead Commission (NDOC) to communicate with you about the issue and help you contact the right agency.
- NDOC cannot solve the problem for you. We can connect you with the most appropriate resources that might be able to help you.

What should I do before filing an inquiry?

- Before you file an inquiry, you should try to get help through other resources.
- If you need help getting disability-related services, you can check with other agencies and organizations listed [here](#).

Who can use the inquiry process?

- People with disabilities
- People advocating on behalf of someone with a disability

How do I file an inquiry?

- If you have already tried getting help from other organizations or agencies, you can fill out this form [North Dakota Olmstead Inquiry](#) , and someone will contact you.

What happens after I submit the form?

- NDOC staff will read your information.
- There will be an initial screening assessment to gather more information about the nature of the Olmstead violation alleged.
- The scope of an investigation will be determined on a case-by-case basis.
- NDOC may contact the entities involved, as well as individuals that may be able to provide information to further the investigation.
- We may contact you for more information. If you prefer to have your identity kept confidential, there may be a limit to how we can assist in your inquiry.

What can't the inquiry process do?

- The inquiry process is not legal advice.
- NDOC cannot represent you, but we will review your concern and connect you with resources as appropriate.
- The inquiry process cannot help you get the services you might need. If you need help finding disability-related services, we list many resources [here](#).



Olmstead Inquiries

State Resources

[Advocates Leading their Lives \(ALL\)](#)

[ND Attorney General](#)

[ND Association for the Disabled](#) 

[ND Assistive](#) 

[ND Brain Injury Network](#) 

[ND Center for Persons with Disabilities at Minot State University](#) 

[ND Department of Health & Human Services](#)

[ND Department of Labor & Human Rights](#)

[ND School for the Deaf/Resource Center for the Deaf and Hard of Hearing](#)

[ND State Council on Developmental Disabilities](#)

[ND Vision Services/School for the Blind](#) 

[Pathfinder Services of ND](#) 

[The Arc of ND](#) 

[Relay ND](#) 

[UND Center for Rural Health](#) 

[U.S. Department of Justice Settlement Agreement](#)

Resources ▾

News

Events

Community Transitions

Community Services/
Supports

Person-Centered Practices

Housing

Workforce

Transportation

Employment

Education

Healthcare



Thank You

Scan for Olmstead
website:



Link:
[ND Olmstead Website](#)



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