

## What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) of 1990 is a landmark civil rights law that prohibits discrimination against individuals with disabilities in everyday activities. It ensures equal opportunities in employment, public services, public accommodations, transportation, and telecommunications, guaranteeing that people with disabilities have the same rights and access as everyone else.

## Who is protected under the ADA?

The ADA protects qualified individuals with disabilities. An individual with a disability is someone who has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment.

## What is Title II of the ADA?

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. Public entities include state and local governments, along with their departments and agencies, regardless of the entity's size or receipt of federal funding. It also requires that services, programs, and activities be administered in the most integrated setting appropriate.

## What is Olmstead?

Olmstead v. L.C. is a U.S. Supreme Court case based on Title II of the ADA. The Supreme Court interpreted the ADA to mean that unnecessary segregation of people with disabilities is discrimination. In Olmstead, the Supreme Court ruled that states are required to provide services to people with disabilities in the most integrated setting appropriate to their needs. This has been expanded to apply when a state fails to provide community-based services or fails to find placements for people in the most integrated setting appropriate to the individual's desires and needs.

## Background

The Olmstead case involved two women with mental health diagnoses and intellectual disabilities. Both women spent a significant amount of time in mental health hospitals. They wished to receive services and supports in the community and their physicians determined they were ready for community-based care. The Supreme Court ruled that the unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the ADA, affirming their fundamental right to community-based living and treatment.

## Who is impacted by Olmstead?

Olmstead applies to those who are institutionalized, those who are at risk of being institutionalized, and more recently those who are prevented from meaningful participation in their community because of the services or practices of the state.

## Why does Olmstead matter in North Dakota?

North Dakota was one of the first states to develop an Olmstead plan to assist individuals with disabilities to live and work as integrated members of the community. The current plan includes goals aiming to improve inclusion in community supports and services, housing, healthcare, employment, education, and transportation.

## Differences between segregated and integrated

When one part of a individual's life separates them from being an included member of the community, it can impact every other area of their life. For example, a single raised entry step can make an entire home inaccessible for someone who uses a wheelchair. As a result, the person may be unable to leave their home, limiting their freedom and preventing them from taking part in meaningful community activities.

|                 | Integrated   | Segregated  |
|-----------------|--|---|
| Characteristics | Prioritize choice, including where and with whom they live, what they do, and who they spend time with. Encourage inclusion, community participation, and meaningful social connections. | Limit freedom by controlling daily routines, meals, privacy, and social interactions. Often restrict visits, community access, and personal choices, leaving people with little independence. |
| Housing         | Places where individuals with and without disabilities live.   | Populated only or mostly by individuals with disabilities, including those in state-funded assisted living or mental health facilities.   |
| Employment      | Offer competitive wages, are based on the person's interests, and include people with and without disabilities working together.   | Include sheltered workshops and day treatment programs offering subminimum wages and primarily employing individuals with disabilities.   |
| Transportation  | Accessible, reliable, efficient, and available to individuals with and without disabilities.   | Limited and regimented. Trips must be planned and may include multiple stops and people on each trip.   |
| Education       | Receiving educational services and supports in the same classroom as students without disabilities.  | Receiving educational services in rooms or schools with only students with disabilities.  |

The Olmstead Commission welcomes feedback to inform the implementation of North Dakota's Olmstead Plan. There are several ways to get in touch with the Commission: