

Olmstead

What is Olmstead?

Olmstead v. L.C. is a U.S. Supreme Court case based on Title II of the Americans with Disabilities Act (ADA) of 1990. 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. 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.

Olmstead 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 a treatment professional determined they did not need to be in a hospital. The Supreme Court ruled it was discrimination to require the women to live in a mental health hospital when they did not need to live in that type of setting.

Why does the Olmstead Case Matter to Nebraska?

The ADA was passed by a bipartisan Congress in 1990 to prevent and eliminate discrimination against people with disabilities. The ADA forbids state or local governments or agencies from discriminating against people because of their disability. In Olmstead, the Supreme Court interpreted the ADA to mean that unnecessary segregation of people with disabilities is discrimination. 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 person's desires and needs.

To comply with the ADA, Nebraska must create and implement an effective plan to assist people with disabilities to live and work as integrated members of the community.

Differences Between Segregated and Integrated

When one aspect of a person's life separates the person from being an included member of the community, it can affect all areas of the person's life. For example, one elevated entry step into a house can create an inaccessible house for someone in a wheelchair. This means the person cannot go outside or leave their home, which takes away their choice to participate in meaningful community-based activities.

	Segregated	Integrated
Homes	Populated with only or primarily people with disabilities, including people receiving state funding to live in assisted living facilities and mental health centers.	Places where people with and without disabilities live.
Jobs	Includes sheltered workshops and day treatment programs offering subminimum wages and primarily employing people with disabilities.	Offers competitive wages and are based on the person's interests. Jobs employ people with and without disabilities.
Transportation	Limited and regimented. Trips must be planned and may include multiple stops and people on each trip.	Accessible, reliable, efficient, and available to people with and without disabilities
Education	Receiving educational services in rooms or schools with only students with disabilities.	Receiving educational services and supports in the same classroom as students without disabilities.
Characteristics	Schedules set by someone else, no food or dining choices, lack of privacy, no choice in who to interact with, and who to share a room with.	Includes choice: the person decides when, where, how, and with whom to do things, what to eat, where to live, and with whom to live.

Olmstead Resources

- Federal Olmstead Fact Sheet <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/ada.pdf>
- Olmstead Rights Organization <https://www.olmsteadrights.org/about-olmstead/>
- Nebraska Olmstead webpage <https://dhhs.ne.gov/Pages/Olmstead.aspx>

If you have questions about Olmstead, you can send an email to DHHS.NEOlmstead@nebraska.gov.