

CELEBRATING
25 YEARS OF
OLMSTEAD





25

POLICY INNOVATIONS
AND MILESTONES

LEADCenter
WIOA POLICY DEVELOPMENT

 **ODEP**
Office of Disability
Employment Policy



LOIS CURTIS (L.C.)



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On June 22, 1999,

the United States Supreme Court ruled in ***Olmstead v. L.C. & E.W.*** that states must provide services and programs for people with disabilities in the most integrated setting based on their needs and preferences and that unjustified segregation was a form of discrimination under the Americans with Disabilities Act (ADA). Two years later, the 2001 [Executive Order \(EO 13217\), Community-Based Alternatives for Individuals With Disabilities](#), amplified this ruling, calling for “swift implementation of the *Olmstead* decision” and detailing the role federal agencies should play in providing guidance, funding, and planning support, in addition to other activities.

The original lawsuit that led to the *Olmstead* decision was brought by two women who had been confined to a state-run psychiatric hospital in Georgia despite wanting — and having been deemed ready by health care professionals — to transition to community-based services. Like ripples on a pond, the impact of the ruling spread to other areas of service delivery, leading to the development and implementation of strategies focused on integrating people with disabilities into all aspects of community living, including the right to self-determination in employment.

To celebrate the 25th anniversary of the *Olmstead* decision, the Office of Disability Employment Policy’s LEAD Center has created a document that demonstrates the decision’s wide-ranging impact on policies and practices, illuminated by the stories of the people, agencies, and services that have been transformed by it.

1999



The **[Ticket to Work and Work Incentives Improvement Act](#)** is enacted to increase support and control in service delivery for people with disabilities pursuing gainful employment and tapering off Social Security disability benefits.



Carolina's Story

After 20 years out of the workforce due to chronic illness, Carolina Zamora-Rocha met with Workforce Alliance, an American Job Center in New Haven, Conn., to begin her journey to become a certified pharmacy technician. Thanks especially to her Ticket to Work coordinator, Carolina now works as a pharmacy technician for Genoa Healthcare and no longer relies on Social Security benefits.

2001



Larry's Story

Larry Phillips dreamed of becoming financially self-sufficient with a career in welding. A wheelchair user with prior justice system involvement, Larry worked with South Carolina's Vocational Rehabilitation and a local welding school to make his dreams a reality.

Congress establishes the **Office of Disability Employment Policy (ODEP)** within the U.S. Department of Labor (DOL), creating a permanent, subcabinet-level agency to coordinate policy across the myriad programs and services that support employment for individuals with disabilities. ODEP's mission is to develop and influence policies and practices that increase the number and quality of employment opportunities for people with disabilities. ODEP is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.

The Rehabilitation Services Administration (RSA) issues updated regulations **amending the regulatory definition of "employment outcomes" under vocational rehabilitation (VR) programs to refer to outcomes that occur in integrated settings**. This ensures that people are supported in pursuing competitive integrated employment (CIE) when they exit VR services.

2002

ODEP collaborates with DOL's Employment and Training Administration (ETA) and the Social Security Administration to launch the [Disability Program Navigator](#) initiative, which later becomes the [Disability Employment Initiative](#), to increase the capacity of our nation's workforce development system to serve people with disabilities.

ODEP begins implementation of [customized employment \(CE\)](#) grants to demonstrate the effectiveness of CE and, in 2003, offers additional CE demonstration grants to support implementation of the *Olmstead* decision with the [Working for Freedom, Opportunity and Real Choice through Community Employment Action grants](#).

In the summer of 2004, the Georgia Developmental Disabilities Council's magazine, *Making a Difference*, featured the cover story "[Customized Employment \(CE\) Makes Dreams Come True.](#)" It highlighted success stories to help raise public awareness about the success of CE for achieving integrated employment and self-employment for people with significant disabilities and high support needs.



2005

The U.S. Centers for Medicare & Medicaid Services (CMS) authorize the **Money Follows the Person** demonstration project to support states as they “rebalance” their long-term services and supports systems to move people from institutional settings to home and community-based services (HCBS) and housing.



2007

ODEP begins its [START-UP initiative](#), demonstrating that people with significant disabilities can become successful entrepreneurs.

Later, in 2021, the U.S. Small Business Administration funds the National Disability Institute to create a [Community Navigator Pilot Program](#) that promotes self-employment and entrepreneurship for people with disabilities, including those with significant disabilities and high support needs.

Ruby's Story

[Financial Joy School](#), led by CEO and Founder Ruby Sunshine Taylor, empowers Black youth and families by demystifying complex financial concepts. Ruby has spoken with lawmakers, written a bestseller, and served as an "Entrepreneur in Residence" for 2-Gether International, a startup accelerator for disabled founders.



2007

(continued)

Individuals with Disabilities Education Act (IDEA) Transition regulations

strengthen transition planning and services. Later, the U.S. Department of Education (ED) further expands IDEA transition regulations and publishes [A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities \(2020\)](#), ensuring that youth have early support in planning their transition from school to career and receive support for achieving CIE.



Jhiya's Story

Jhiya Cooper participated in one of the first Guided Group Discovery cohorts in the D.C. public school system, which landed her an internship in hospitality and several paid jobs, including work at a cruise company.

2008

2009

The [ADA Amendments Act](#) broadens the definition of disability and ensures more comprehensive protections against discrimination, including employment discrimination, for people with disabilities.

To further expand the impact of the *Olmstead* decision, [Inclusive Higher Education](#) (2009) and [Think College](#) (2010) launch postsecondary education initiatives for students with intellectual and other disabilities. Also in 2009, ODEP funds organizations to develop innovative models for providing inclusive [registered apprenticeship training](#) to youth and young adults with disabilities, including those with significant disabilities.



2011

The Administration for Community Living (ACL), at the U.S. Department of Health and Human Services, supports the National Disability Rights Network in releasing the first of three “call to action” reports, [Segregated and Exploited](#), raising awareness about the experiences of people in segregated work programs. ACL also funds the first of three rounds of Partnerships in Integrated Employment Systems Change Grants ([in 2011, 2012, and 2016](#)) to develop and conduct initiatives to improve CIE for youth and young adults.



Kyle's Story

Kyle Stumpf began working in a segregated setting, earning subminimum wages, right out of high school. Observing the work that his nondisabled sister did in a seasonal restaurant, Kyle knew he could work like his sister and earn competitive wages. With support from his family and Iowa Vocational Rehabilitation, Kyle landed a job at a pizza chain where he's met friends and built financial stability for the past 10 years.

2012

DOL and ODEP champion **Employment First**, starting the Employment First State Leadership Mentoring Program to help states align policy, funding, and service delivery.

Later, ODEP establishes the **National Expansion of Employment Opportunities Network (NEON)** in 2019, which works with states and providers to assist in transitioning service models to increase CIE, including working with state agency organizations to coordinate policy in support of scalable, sustainable change. NEON disseminates a national **Plan to Increase Competitive Integrated Employment** in 2022.



The Missouri as a Model Employer talent showcase was a reverse job fair at the State Capitol building that provided opportunities for job seekers with disabilities to showcase their talents and achievement.

2013

DOL's Office of Federal Contract Compliance Programs publishes a [final rule](#) revising the regulations implementing [Section 503](#) of the Rehabilitation Act of 1973, which prohibits federal contractors and subcontractors from discriminating in employment against people with disabilities and requires that employers take affirmative action to recruit, hire, promote, and retain disabled people. The updated regulations set an aspirational goal of having disabled people make up at least 7% of covered employers' workforces. These regulations encourage the development of apprenticeships targeting people with disabilities to ensure they have equal access to career advancement opportunities.

Additionally, [Section 501](#) mandates federal agencies develop affirmative action plans that address reasonable accommodations and promote nondiscrimination in federal employment.

2013 *(continued)*

The U.S. Department of Housing and Urban Development (HUD) issues a [statement on the role of housing in accomplishing the goals of *Olmstead*](#), clarifying how recipients of federal financial assistance from HUD can assist state and local *Olmstead* efforts. HUD encourages housing providers to support *Olmstead's* implementation by increasing integrated housing opportunities available for individuals with disabilities transitioning from, or at serious risk of entering, institutions, hospitals, nursing homes, adult care facilities, and other restrictive, segregated settings.

A jury awards the [Equal Employment Opportunity Commission \\$240 million in damages for disability discrimination and abuse by Henry's Turkey Service](#), an employer of workers with intellectual disabilities. The award includes compensation for unlawful disability-based wage discrimination and other violations of the Americans with Disabilities Act. This jury award adds to the \$1.76 million in back wages and liquidated damages that DOL secured for the workers in 2011 in a partial summary judgment against Henry's Turkey Service for violating the minimum wage and overtime provisions of the Fair Labor Standards Act.

2014

The Workforce Innovation and Opportunity Act (WIOA) defines **CIE, customized employment**, and **pre-employment transition services for students with disabilities** as fundable services under the law. Also in 2014, CMS publishes the **Home and Community-Based Services Settings Rule**, requiring that individuals receiving services and supports through Medicaid's HCBS programs have full access to the benefits of community living and receive services, including employment services and supports, in the most integrated settings.



The Thorntons' Story

Ricardo and Donna Thornton grew up in a state institution. They are now living lives no one ever envisioned for them. They have been married for 40 years and they each had good careers. They have an adult son and three grandchildren. **Ricardo and Donna are examples of what life can be like with support to live full lives in the community.**

2014 *(continued)*

The passage of the [Achieving a Better Life Experience \(ABLE\) Act](#), subsequent adoption of ABLE programs by 46 states and Washington, D.C., and passage of the [ABLE to Work Act](#) encourage employment by allowing eligible people with disabilities to open tax-free savings accounts without negatively impacting their eligibility for public benefits, such as Medicaid. The accounts also enable people receiving Supplemental Security Income to save beyond the current asset limit.

The U.S. Department of Justice (DOJ) finalizes a [settlement agreement in Rhode Island](#), affirming that the *Olmstead* decision applies to publicly funded employment services. In 2015, a settlement agreement in [United States v. Oregon / Lane v. Brown](#) resolves the first lawsuit in the nation to challenge a state's reliance on segregated employment settings for individuals with disabilities. DOJ has engaged in additional enforcement, which can be viewed either by [issue](#) or by [case/matter](#).

Kenley's Story

[Kenley](#), a teenager with Down syndrome, is excited to make her own financial decisions as she gets older. Kenley and her mother often use tools like the [Secure Your Financial Future](#) toolkit to understand the interplay of Kenley's benefits, her ABLE account, and employment.



2016

The [Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities](#) submits its [Final Report](#) to Congress. The Committee, established under WIOA (Section 609), recommends increasing the capacity of employment service providers to provide [CIE](#) through both organizational restructuring and staff professional development, as well as phasing out the use of subminimum wages under Section 14(c) of the Fair Labor Standards Act.



As a service provider for Missouri, Job One is phasing out its subminimum wage program and has been opening doors to CIE, which has already resulted in successful outcomes for its participants. After working with Job One for years in recycling, then in packaging and assembly, a Job One participant expressed interest in community employment. Job One helped the participant secure a unique position that fits his abilities at a big-box store, where he immediately impressed his coworkers.

2018



ODEP's National Center on Leadership for the Employment and Economic Advancement of People with Disabilities (LEAD Center) launches its [Roadmap to Inclusive Career Pathways](#) to provide workforce professionals and people with disabilities tools and strategies to pursue employment and economic self-sufficiency. ODEP also funds a partnership to create [apprenticeship inclusion models](#) to strengthen career pathways for people with disabilities, including people with significant disabilities.



The interactive online [Roadmap to Inclusive Career Pathways](#) tool contains strategies and promising practices to promote inclusive workforce outcomes. It provides workforce professionals with resources to help people with disabilities achieve employment and economic self-sufficiency.

2021

2022

White House Executive Orders [13985](#) (2021), [14035](#) (2021), and [14091](#) (2023) result in the federal government and public workforce systems pursuing diversity, equity, inclusion, and accessibility within their workforces (e.g., [Duluth Workforce Development Board initiative](#)).

DOL's Employee Benefits Security Administration and ODEP launch [Secure Your Financial Future: A Toolkit for Individuals with Disabilities](#) to support people with disabilities throughout their employment lifecycle.

AbilityOne affirms its commitment to CIE, issuing a [final rule ending payments of subminimum wages on its contracts](#). AbilityOne is a multi-billion dollar federal priority procurement program to promote the employment of people who are blind or who have significant disabilities, providing opportunities to deliver products and services to Federal agencies.

Also, ED launches the [Subminimum Wage to Competitive Employment grants](#) through its Disability Innovation Fund (DIF) to increase opportunities to obtain CIE for individuals with disabilities who are employed at subminimum wage, including individuals with the most significant disabilities.

2022 *(continued)*

Nine federal agencies issue a joint communication, [Resource Leveraging & Service Coordination to Increase Competitive Integrated Employment for Individuals with Disabilities](#). This communication, along with an accompanying [Frequently Asked Questions](#) document, encourages state and local partners to proactively implement resource blending, braiding, and sequencing across systems to improve CIE outcomes for youth and adults with disabilities.

ED's Office of Special Education and Rehabilitative Services releases [A Framework for Community Engagement - A Pathway to Competitive Integrated Employment](#), developed in partnership with ODEP, ACL, and the Substance Abuse and Mental Health Services Administration. The framework presents a joint federal vision for community engagement by individuals with disabilities to expand their skills and experiences leading to high-quality, personally satisfying careers/jobs.



A diverse group of partners in Collinsville, Ill., collaborated to start and sustain a program for high school seniors with disabilities to successfully participate in U.S. Department of Labor Registered Apprenticeships.

2023

2024

DOL promotes CIE as part of the Good Jobs Initiative via its [People with Disabilities and the Good Jobs Principles fact sheet](#), [multiple national webinars](#), and a digital collection of [success stories](#). This further supports the Administration's Investing in America agenda of creating career opportunities, including opportunities for people with disabilities, and building on the American Rescue Plan, Bipartisan Infrastructure Law, CHIPS and Science Act, Inflation Reduction Act, and Good Jobs Initiative.

ODEP, the DOL Civil Rights Center, and the Employment and Training Administration collaborate to enhance the forthcoming [Section 188 Disability Reference Guide](#) to further focus on the WIOA nondiscrimination and equal opportunity requirements, real-world examples of affirmative outreach, and expectations about equitable artificial intelligence. ODEP also launches the [CIE Transformation Hub](#), which provides resources to support transformative change to increase CIE outcomes for people with disabilities.

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By recognizing how disabled people enrich our communities, we can all be empowered to make sure disabled people are included.

Judy Heumann, 2020

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The LEAD Center is led by National Disability Institute. This grant is fully funded by the United States Department of Labor, Office of Disability Employment Policy in the amount of \$8 million under Grant Number: OD-38977-22-75-4-11. This item does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.