



Department of Justice

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Justice Department Reaches Landmark Settlement Agreement with State of Oregon Regarding Americans with Disabilities Act

In a Dec. 29, 2015, order, the U.S. District Court for the District of Oregon approved a settlement agreement between the Justice Department, a class of private plaintiffs and the state of Oregon, which resolved the department's and the class plaintiffs' claims against the state under the Americans with Disabilities Act (ADA). The agreement will impact approximately 7,000 Oregonians with intellectual and developmental disabilities (I/DD) who can and want to work in typical employment settings in the community. The private plaintiffs were represented by the Center for Public Representation, Disability Rights Oregon and the law firms of Miller Nash Graham & Dunn LLP and Perkins Coie LLP. The agreement resolves a class action lawsuit by private plaintiffs in which the department intervened. The parties' settlement agreement was approved by U.S. Magistrate Judge Janice Stewart of the District of Oregon, who presided over the lawsuit.

In the department's lawsuit, it alleged that Oregon's employment services system unnecessarily placed people with I/DD in, or at risk of entering, sheltered workshops instead of in integrated jobs in the community, in violation of the ADA. As interpreted by the Supreme Court's landmark decision in *Olmstead v. L.C.*, the ADA affords individuals with disabilities the right to receive services in the most integrated setting appropriate to their needs. Sheltered workshops are segregated facilities that exclusively or primarily employ people with disabilities. They are usually large, institutional facilities in which people with disabilities have little or no contact with non-disabled persons besides paid staff. People with I/DD in sheltered workshops typically earn wages that are well below minimum wage, sometimes pennies per hour. By contrast, supported employment services assist people with I/DD to prepare for, gain and succeed in integrated employment at competitive wages. Approximately 450,000 people with I/DD across the country spend their days in segregated sheltered workshops and facility-based day programs. Approximately 1,900 Oregonians with disabilities currently receive services in sheltered workshops. Since the initiation of the lawsuit, approximately 3,900 Oregonians with disabilities have received services in sheltered workshops, and historically hundreds of students have transitioned each year from Oregon public schools directly into sheltered workshops.

The agreement calls for 1,115 people in sheltered workshops to receive jobs in the community at competitive wages over the next seven years. In addition, 7,000 people will receive employment services that will afford them the opportunity to work in the community, including at least 4,900 youth ages 14 to 24 years old, who are exiting school. At least half of the youth served will receive an Individual Plan of Employment, which sets forth the services and supports necessary to achieve competitive employment, from Oregon's vocational rehabilitation system.

The settlement resolves the first class action lawsuit in the nation to challenge a state funded and administered employment service system, including sheltered workshops, as a violation of the ADA's

integration mandate. The class action, *Lane v. Kitzhaber* (since renamed *Lane v. Brown*), was filed in January 2012 by eight named individuals and United Cerebral Palsy of Oregon and Southwest Washington, on behalf of themselves and other individuals with I/DD who are in Oregon sheltered workshops or have been referred to sheltered workshops. In March 2013, the Department of Justice moved to intervene in the lawsuit, seeking to vindicate the rights of thousands of individuals with I/DD across Oregon. The department's claims included that Oregon violated the ADA by unnecessarily segregating adults with I/DD in sheltered workshops and by placing Oregon youth with I/DD at unnecessary risk of segregation in sheltered workshops.

"Work is fundamental to contributing to and being fully included in the community," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. "People with disabilities deserve opportunities to work alongside their friends, peers and neighbors without disabilities and to earn fair wages, access equal opportunities for advancement and to achieve social and economic independence. We are pleased that the state of Oregon has fully embraced integrated employment services for people with disabilities, and we look forward to seeing the ways in which thousands of Oregonians with intellectual and developmental disabilities will contribute, grow and advance in typical workplaces throughout the state."

"Individuals with intellectual and developmental disabilities are valuable members of our community," said U.S. Attorney Billy J. Williams of the District of Oregon. "They contribute to our workforce, our diversity, and they enrich our environment. We have an obligation to remove barriers to their full participation in society. The final approval of the settlement agreement by the court is a great step toward ensuring that sheltered workshops in Oregon will no longer be used to unnecessarily segregate the intellectually and developmentally disabled."

The Civil Rights Division enforces the ADA, which authorizes the Attorney General to investigate whether a state is serving individuals in the most integrated settings appropriate to his or her needs. Please visit www.ada.gov/olmstead to learn more about the division's ADA *Olmstead* enforcement efforts and www.justice.gov/crt to learn more about the other laws enforced by the Civil Rights Division.

Oregon Settlement Agreement

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