

needs of others with disabilities. The Department of Justice regulations implementing Title II of the ADA require public entities to administer their services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. *See* 28 CFR 35.130(d).

In *Olmstead*, the Supreme Court stated that institutional placements of people with disabilities who can live in, and benefit from, community settings perpetuates the unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life. The Supreme Court stated that “recognition that unjustified institutional isolation of persons with disabilities is a form of discrimination reflect[ed] two evident judgements”: (1) “Institutional placements of people with disabilities who can live in, and benefit from, community settings perpetuates the unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life”; and (2) “confinement in an institution severely diminishes everyday life activities of individuals, including family relations, social contacts, *work options, economic independence*, educational advancement, and cultural enrichment.” *Olmstead*, 119 S.Ct. 2176, 2179, 2187 [emphasis added]. This decision affects not only all persons in institutions and segregated settings, but also people with disabilities who are at risk of institutionalization, including people with disabilities on waiting lists to receive community based services and supports.

The Court indicated that one way states can show they are meeting their obligations under the ADA and the *Olmstead* decision is to develop a “comprehensive, effectively working plan for placing qualified people with mental disabilities in less restrictive settings.” *Olmstead* at 2179. Based on this, almost all states are in the process of developing, or have already developed such plans.

In support of these state efforts, President George W. Bush issued Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities (the *Olmstead* Executive Order) on June 18, 2001, in which he extended application of the Supreme Court’s *Olmstead* decision to all Americans with disabilities, and called upon selected Federal agencies, including the U.S. Department of Labor, to help support governors in their implementation of the *Olmstead* decision. In support of these state efforts and in response to the direction set forth

in Executive Order 13217, the ODEP is issuing this SGA for WorkFORCE Action Grants.

In March 2002, the U.S. Secretary of Health and Human Services, Tommy G. Thompson, submitted a report to President Bush, titled *Delivering on the Promise*, on behalf of the Departments of Labor (DOL), Justice (DOJ), Education (ED), Health and Human Services (HHS), Housing and Urban Development (HUD), Transportation (DOT), Veterans Affairs (VA), the Social Security Administration (SSA) and the Office of Personnel Management (OPM). This report detailed actions being planned by the aforementioned agencies to eliminate barriers and promote community integration. *See* <http://www.hhs.gov/newfreedom/final>. In this report, the DOL and other Federal agencies noted that successful *Olmstead* planning and implementation efforts must include competitive employment and employment-related supports. *Delivering on the Promise* identifies several key concerns related to employment that must be addressed, including:

- Fragmentation of existing employment services;
- Isolation and segregation of people with disabilities from “mainstream” or generic employment programs and services;
- Lack of access to health insurance;
- The complexity of existing work incentives that are meant to encourage and/or support work efforts;
- Lack of control and choice in selecting employment training and service providers;
- Inadequate work opportunities resulting from attitudinal barriers based on historical and erroneous stereotypes; and
- Lack of accurate data on employment of people with disabilities needed to measure progress in eliminating barriers to their employment.

Many strategies exist for creating and expanding competitive employment opportunities in the community, including those for individuals who have been segregated in institutions, nursing homes, sheltered workshops and day activity programs. Many promising strategies have emerged through decades of research and demonstration projects, and through other public and private activities promoting increased choice and self-determination for people with disabilities. These include multiple “customized” employment approaches such as supported employment and supported entrepreneurship; individualized job development; job

carving and restructuring; use of personal agents (including individuals with disabilities and family members); development of micro-boards, micro-enterprises, cooperatives and small businesses; and the use of personal budgets and other forms of individualized funding that provide choice and control to the person and promote self-determination.

Accordingly, last year the ODEP awarded 12 WorkFORCE Coordinating Grants, totaling \$1,599,910 and three WorkFORCE Action Grants, totaling \$1,983,067. This initiative represented the ODEP’s support for increasing and improving employment opportunities for the population covered by the *Olmstead* decision, and is demonstrating that such individuals can successfully achieve employment and participate in community life.

The additional WorkFORCE Action Grants represented by this SGA are meant to build on the ODEP’s existing WorkFORCE Grant Initiative. Expanding the number of projects funded under the WorkFORCE Grant Initiative will enhance the development of information that can inform the policy development activities of the ODEP, and provide an opportunity for implementation of projects designed under the WorkFORCE Coordinating Grants awarded by the ODEP last year. Additionally, these grants support the President’s New Freedom Initiative. The New Freedom Initiative is designed to increase the number of people with disabilities who enter, re-enter, and remain in the workforce. By emphasizing the need to increase the capacity of federally-supported employment and training programs to serve people with significant disabilities, including those covered by the *Olmstead* decision and Executive Order, the current SGA will further the New Freedom Initiative’s goals of increased integration of Americans with disabilities into the workforce.

The grants awarded under this SGA will also complement other Federal and state initiatives already underway to make working and living in the community a reality for more people with disabilities, including the state planning and implementation efforts under the U.S. Supreme Court’s *Olmstead* decision; the *Olmstead* Executive Order; the Department of Health and Human Services Systems Change Grants; the ODEP Work Incentive, Customized Employment, and Technical Assistance and Training to Providers initiatives; and other related grant opportunities and efforts by the DOL, the HHS, and the SSA under the Workforce Investment Act